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COLLECTANEA

SECOND SERIES

EDITED BY

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UNIVERSITY OF OXFORD, ETC.

Oxford

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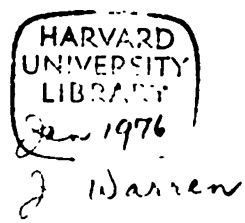

PREFACE.

It would be to fail in an obvious duty if the Editor of this volume did not take the opportunity of a Preface to return his thanks to those who have so kindly allowed themselves to be associated with him in a 'labour of love,'—for such it has been to one and all. To have been permitted to lay a single stone in the fabric which the Oxford Historical Society has undertaken to rear, is itself the reward, and it is enough. The Editor hopes, however, that his associates will forgive him if he points out that in the case of each of the four medieval articles, the Society has been peculiarly fortunate in securing the services of the one man to whom of all others that particular subject might most properly have been assigned.

Mr. Ogle, an experienced 'Clerk of the Market,' and a veteran antiquary, fitly represents the long series of University functionaries who in the fourteenth century succeeded the King's officer. To bring so prolonged a history within reasonable limits is no small feat; and it deserves thanks all the more since the unavoidable delay in producing this volume has caused some of his work to be anticipated by Mr. Clark's excellent edition of Wood's 'Antiquities of the City of Oxford.' On the other hand it has now become possible, by Mr. Clark's permission, to insert the diagram of Oxford Market which has just appeared in that book, and so to illustrate in some measure Mr. Ogle's Topographical chapter. In the same book will also be found a very successful attempt to map out

those ancient streets and Halls of Oxford to which Mr. Ogle's paper often refers.

To Professor Holland the University has been more than once indebted for reminding her of ancient academical precedents. He has now conferred another favour upon her by supplying a concise and well-supported statement of her antiquity. In this, as in some other matters, the last half-century has witnessed a reaction from the credulity of ignorance to the incredulity of half-knowledge. We have been the victims of names and have neglected things. Because the term 'University' had not yet come into use, and was thus unknown to the body of teachers and scholars working at Oxford in the twelfth century, we have been content to surrender our claim to have been an organised literary community all through that century, though not yet exercising corporate functions. It will now once more be clearly understood that the *Scholae* of Oxford date at least from the reign of Henry I, and were largely attended in that of Stephen, presenting a well-formed nucleus, fitted to gather round it, as in the course of time it did, fresh accretions from Paris. Perhaps when we have learned to take full measure of the obscurity which hangs over the early history of Oxford, the stress laid upon negative evidence may gradually lose some of its assumed consequence, and the canons of legitimate inference lead us back further still behind the modest limits of Professor Holland's paper.

In Mr. Rashdall's article we have one, but not the only instalment he has given of his treatment of the great subject which he has made his own. The struggle between the University of Oxford and the Friars by no means stands alone in University history; but here it was not only desperate and almost continuous, but it affected the course of the history of England. It not only proved once more the strength of the national party, though matched against the most imposing powers of the age, but it is scarcely too much to say that out of it emerged the Reformation. The

case in point, happily selected and lucidly explained by Mr. Rashdall, is truly typical.

Dr. Neubauer has even more claim than the foregoing to be considered an unique authority on his own subject, the Jews in Oxford; and he has spared no pains to complete the previously imperfect notices of these interesting people at the time when they held an exceptional position amongst the citizens of the place.

The contributors of the sixth and seventh articles will, it is hoped, not be offended if the author of the Memoir in the fifth ventures to rank them in a class along with himself. Even the dark close of the Middle Ages begins to admit fitful rays of light as soon as printing is invented, and one already loses something of the uneasy feeling which attends, or ought to attend, those who have to walk by twilight over dangerous places. The discovery of the list of Grocyn's books was as unexpected as it is welcome, and the subject of Grocyn himself has proved to the writer of the Memoir one of equally unexpected interest. To him it has been at the same time not a little suggestive of the vacuum which remains to be filled up if we are ever to form an adequate idea of the English Renaissance. He, like every member of the Oxford Historical Society, has to thank Mr. F. Madan for ungrudging assistance, especially as to the Catalogue itself; in which latter service Mr. Plummer of Corpus, now Senior Proctor, has also been kind enough to co-operate. It must be a source of satisfaction to all lovers of Oxford that so many of her dignitaries, including several Heads of Houses, are earnestly and effectively engaged upon the task of research, under the banner which once displayed the famous words '*Antiquam exquirite matrem*,' the banner of that far from perfect, yet most distinguished of Oxford antiquaries, Anthony Wood.

The question whether Bishop Hough's Table-talk falls within the category of Oxford papers has been met by Mr. Macray in his Introduction, and his services to the cause

of research give weight to his opinion. No one will deny the intrinsic interest of these Papers. It is very important that the plan adopted by the Society of bringing forward the modern history of Oxford along with its medieval history, should be loyally pursued; and in reading the kindly, if not very profound sayings of the aged Prelate, once so famous for his championship of English liberties, one must remember that they are the product of a mind formed originally by long residence at Oxford, under the very mixed influences of the later Stuart period. For still later times Mr. Haverfield's judicious labour in extracting the notices of Oxford from the 'Gentleman's Magazine,' extending over a period of seventy years, has laid the Society under no slight obligation. Something has thus been done to meet the peculiar difficulties presented by the Oxford of the eighteenth century, of which we have next to no history, when newspapers and magazines were novelties, and when local knowledge found but feeble expression.

There is probably much more of the same sort latent in fugitive literature which will be useful, if only to correct a good deal that has appeared in recent popular sketches. It is above all from the treasures of Colleges that modern, as well as ancient, materials for history may be expected. Perhaps it may not be improper to say in this place that, though some three or four College histories are in hand, we are still a long way off even from the prospect of completing the series; and yet the comprehensive history which is waiting for that completion ought not to be indefinitely postponed. Not but that the delay may be found to have carried with it some compensation, if indeed the calmer weather of the present time does not turn out to be a mere lull between storms.

That the valuable piece of bibliography (in which Mr. Madan is again to the front) contained in the Appendix, is due to the happy 'find' of an intelligent young discoverer, should be an encouragement to those junior members of the University who are beginning to respond to the calls of 'history and

antiquarianism[1].' Further, to have the opportunity of inserting in their proper place, though previously printed, the last words of the late learned and admirable Henry Bradshaw, the Cambridge Librarian, is another piece of good fortune.

In conclusion it is right, though hardly necessary, to state that each of the writers in this Volume is responsible for his own contribution.

MONTAGU BURROWS.

[1] Perhaps the Editor may be allowed to refer, in connection with one of these calls, to a pamphlet published for him, under the above title, by Parker and Co., Oxford, in 1885.

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PART I.

THE OXFORD MARKET.

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PREFACE.

THE history of the Markets of Oxford is especially noteworthy in two respects. The interest of the antiquarian topographer is stimulated by the number and variety of the markets, in which Oxford probably exceeded every town except London. When a plan of the old streets and halls of Oxford is published, as it is hoped may be the case before long, the old 'Ordinatio' of the markets [App. A] with Wood's and Peshall's comments on it [pp. 13–27] will be greatly more interesting because more intelligible. Again, the constitution or government of the Market in Oxford presents a quite unique subject of study to the domestic historian of the City. Nowhere else has there been such a continuous struggle between two rival corporations for supremacy in this matter. At Cambridge the Town has always had a larger share in the management of the market than at Oxford, and, as far as I can learn, no great nor continued bitterness has ever existed there between the University and Town on this question. But at Oxford it has been otherwise. From Edward III to George III the dispute never ceased, though of course it waxed more violent at one time than another. Even before the massacre of S. Scolastica's day there was plainly a good deal of jealousy between the two bodies about the markets, the City wishing to sell victuals and everything else as dear as possible to the scholars, and the University no doubt angered at the system (not unknown in later days) of two prices, one for the citizens and another for the gownsmen, and desiring to cheapen goods as far as they could [p. 47]. But still the two corporations

managed to get on peaceably enough together, the control of the Market being in the hands of the King's Constable or other official, independent of both of them [p. 12]. The chief efforts of both parties seem to have been then directed mostly against illegitimate forestallers and regrators [pp. 46, 49], and the City was concerned with its jealousy of foreign traders as much as anything else [p. 50]. For a short time a joint government of the Market by the two corporations ensued [p. 51], which did little else than exasperate both, and the University gradually but surely gained the upper hand. After the unfortunate business of S. Scolastica's day the entire control of the Market with the sole assay of wine, beer, bread, and victuals was placed in the hands of the University [p. 52], which appears, at least on some occasions, to have been not loth to strain their privileges to the utmost [pp. 54–56]. After that there was never any complete peace. The grievances of the City were numerous and complicated, comprising the questions of 'watch and ward,' of the privileges of matriculated members, of the licensing of vintners and alehouses, and several others, but the Market, its tolls and its management, was always in the front of all. On any occasion when the University was supposed to be out of favour at Court, notably on the downfall of Wolsey [pp. 58–61], the reign of Edward VI, the downfall of Laud [pp. 82–88], and the civil disturbances of the Stuarts' time [pp. 65, 86], the complaints of the City grew louder and its attempted encroachments on the University privileges bolder. The question of vintners and alehouse licenses (which was closely connected with market rights) became unfortunately complicated by what seems to have been a mistake in an Act of Edward VI, which omitted to exempt Oxford from its provisions [pp. 62–69]. And this gave rise to a terribly lengthy and tedious controversy, which was only at last partly compromised by Elizabeth [p. 70]. Then came the imperious will and strong hand of Laud, who for a time crushed all opposition from the City, and strained the Uni-

versity privileges farther than ever before [pp. 74 et seqq.]. The reaction from this finally resulted in the Charter of James I, under which the City has been practically governed up to the present time; but in that, as in all previous Charters, the rights and privileges of the University were explicitly reserved and renewed. Since the Act of 1771 [p. 92], the joint Market Committee of the two corporations therein appointed has worked peaceably and cordially. The extravagant powers of the Clerks of the Market have been reduced to a humble but salutary weighing and seizing of butter (as the only article now sold in the market which professes to be of a given weight). This appears to be the only remnant left here, and perhaps anywhere in England, of the old irresponsible Pie Powder (Pied-Poudré) Court, which was once incident to every market and fair. Thus much is wisely reserved to the University under the new Local Government Act by an Order of Council (1889), probably both out of respect to its antiquity, and also in consideration of the speedy simple and inexpensive protection which is thereby given to the public as well as to the middlemen or retail buttersellers in the market.

The performance of this duty by the Clerks is as follows. The Clerks at their own discretion (never less often than once a Term), go through the market, attended by a policeman with the authorised scales and weights, and test all the butter exposed for sale, weighing one or two samples from every different dairy. Whatever is found of palpably short weight they seize on the spot, giving to the sellers a certificate, which frees them from all responsibility to the dairy from which it has been consigned to them. If, as is very rarely the case, the butter is the actual produce or property of the seller (as foreign butter, e. g.), of course the loss rightly falls upon him, otherwise the country farmer is the person mulcted. The confiscated butter is disposed of at the discretion of the Clerks, being invariably given to some charitable institution. By this simple process the public is

adequately protected, and the uncertainty, delay, and expense which attend upon the cumbrous machinery of ordinary police supervision entirely avoided, to say nothing of the protection of the retail sellers, who are the victims in police prosecutions, but who are almost invariably innocent of any wrongdoing.

One other, the only remaining, duty of the Clerks of the Market cannot be more ancient than 1582 (in which year, as Professor Rogers kindly informs me, corn-rents were first adopted in the Oxford Colleges). It probably fell upon the Clerks of the Market, as growing out of their old duty of reporting the prices of wheat, etc. to the Chancellor or Vice-Chancellor, to enable him to fix the prices of bread, etc., but it is in no way connected with the supervision of the market, nor indeed is it a statutable function of the Clerks at all. The duty of registering the weekly sales of corn, ever since the Act of 5 & 6 Vict. cap. 14, has been assigned to an Inspector of Corn Returns, appointed under that Act by the University, but by a subsequent Act by the Board of Trade, responsible to, and paid by, that Board. The Clerks of the Market ascertain from him the maximum prices of wheat, malt, and barley returned as sold on the two market days immediately succeeding Lady Day and Michaelmas. A certificate of these prices they deliver to each College Bursar at a dinner which is given to them by the Bursars in turn, and this certificate establishes the value of the corn-rent for the half-year. When corn-rents were the usual tenure of College lands, these prices were of considerable importance, and it speaks greatly for the credit of the Colleges that no attempt has ever been made by them to influence the market prices on those particular days. Now, however, the matter is of comparatively little importance, few corn-rents surviving at the present time. And indeed the absurdly scanty and inadequate returns made in the Oxford Market afford no reasonable basis for a calculation which should have any appreciable weight.

The fragmentary extracts which make up this compilation may, it is hoped, afford some little material for any future historian of Oxford, but I cannot hope that they exhaust all the matter to be found in the University and City Archives. Still I have taken considerable care in my research to omit nothing which seemed to me to be germane (except many lengthy dissertations of the indefatigable Brian Twyne, which I have noticed in their places). That I have been able to collect so much is due to the unwearied courtesy of Mr. Bayne, the Keeper of the University Archives, and Mr. Bickerton, the Town Clerk. The constant and ungrudged help of Messrs. Macray and Madan, of the Bodleian Library, has enabled me to decypher much that would otherwise have been illegible to me, and deserves my warmest acknowledgement.

The MSS from which this compilation is made are in the University and City Archives and the Bodleian Library. Those which have been already printed in Anstey's Munimenta Academica and Turner's City Records are quoted under those titles. The rest are noted as follows:—

City Records (C. R.) and Minutes of the Town Council Books (C. B.) are quoted as lettered and numbered in Mr. Madan's Index to the City Records, e.g. C. R. (P. 22), C. B. (Q. 2), etc.

The University and Bodleian MSS are specified in the references, except the Registers of Congregation, which are referred to simply as the volumes are lettered, e. g. GG., etc., the references being too numerous for a fuller specification.

O. OGLE.

I. THE EARLY HISTORY OF THE MARKET.

Of the existence of any Market Regulations, or indeed of any Markets in England, in the sense of public places legally assigned for the exposure and sale of goods, I have not been able to find any earlier distinct record than that contained in a Charter of Canute, in which it is ordered 'that no man be so bold that he go to market on that holy day[1]' (Sunday). Historians are generally silent on the subject, though one states that 'the markets were numerous, and produced the King no inconsiderable revenue[2]'; another, that 'public markets were established in various parts of England in this period, we learn from many documents[3]'. But neither of these give any reference to such documents, and probably both are inferences drawn from common sense and entries in Domesday Book. About A.D.1020.

At Oxford 'the existence of a market,' says Parker, 'may be assumed as a matter of certainty[4]', and there are one or two facts on record which support the assumption. We may dismiss Antony Wood's arguments drawn from the facts that Oxford was a walled town, that tradesmen's guilds, 'gildæ mercatoriæ[5]', are mentioned in a roll of Henry II as pre-existing in Oxford, and that Ethelstan probably established two mints in Oxford, since none of them necessarily imply more than that Oxford was a centre of buying and selling. But in Domesday Survey the entry under Oxfordshire begins thus: 'In the time of King Edward Oxford paid to the King for toll and gable and all other customs yearly xx li. and six sectaries of honey. And to Earl Algar x li.' Now the existence of toll almost certainly implies a market. 'Tol' is defined in the 22nd Law of Edward the Con- A.D.1055. About A.D. 924. A.D.1086. A.D.1043–66.

[1] Stubbs, Select Chart. p. 76.
[2] Lappenberg, Hist. of Anglo-S. Eng., Thorpe's transl., ii. 366.
[3] Sh. Turner, Hist. of Anglo-S. iii. 114.
[4] Early Ox. p. 278.
[5] On these see Boase, Early Oxf. pp. 34–42.

fessor, as 'Tol, quod nos vocamus theloneum, scilicet libertatem emendi et vendendi in terrâ suâ[1]'. Wherever therefore the right of 'Tol' was conceded, we may be sure that the burgesses paid due or 'toll' for it to some superior authority. This would be originally to their Earls, Thanes, and Lords of the Manor (as probably to Earl Algar above), and afterwards to the King. How and when the toll passed into the King's hands is not clear. Thompson[2] (who confuses the right of 'Tol' with that of 'Theam,' a very different thing) suggests, in the case of Leicester, that 'the King was its ancient lord, not as sovereign of the land perhaps, but as the representative of the ancient seigniors in existence before the establishment of the Heptarchy, the Saxon monarchs being sometimes lords of the manor anciently, in the same way as their principal thanes were.' 'The yearly contribution of money and honey to the King was paid to him, as their lord, for exercising an independent jurisdiction; it was the commutation, in truth, of the numerous local payments required by the ancient lords.' Certainly ever since the Norman conquest, the right of establishing a market, as that of holding fairs, has been a royal prerogative. Blackstone[3] places as the first of such 'the establishment of public marts, or places of buying and selling, such as markets and fairs, with the tolls thereunto belonging. These can only be set up by virtue of the King's grant, or by long and immemorial usage and prescription, which presupposes such a grant. The limitation of these public resorts to such time and such place as may be most convenient for the neighbourhood forms a part of œconomics, or domestic polity, which, considering the kingdom as a large family, and the King as the master of it, he clearly has a right to dispose and order as he pleases.' (May not the King's right of toll be connected with the fact that markets were held on the King's highway[4]?)

From the entry therefore in Domesday Book, Boase[5] infers at once that Oxford was a market town at that date. It may be added that the words of the Charter granted to the Town of Oxford by Henry II, seem to imply that the right of 'Tol' was an ancient privilege of the Town. 'Quare volo, quod habeant prædictas libertates

[1] Stubbs, Select Chart. p. 78.

[2] Essay on Eng. Munic. Hist. (1867), p. 36. [3] i. 264.

[4] On tolls of markets belonging to the Crown, Stephens (Bl. i. 663) refers to 15 & 16 Vict. c. 62, § 6.

[5] Early Oxf. p. 14. He adds, 'and it was still more dignified in being a city.' This is in consequence of 'civitas' occurring in the Domesday entry. In King John's Charter it is called 'Burgus.'

et leges et consuetudines et tenuras suas &tc cum Saca et Soca et Tol et Theam et Infangetheof[1]'. About A.D. 1160.

The first actual mention of a market at Oxford occurs in the Chronicles of Abingdon Monastery, which mention 'terram infra forum Oxenford sitam[2]'. In a quarrel which arose about the same time between the monastery and the Oxford townsmen, the Abingdon monks asserted upon oath that they had enjoyed a full right of market in the time of Henry I, the Oxford market being by presumption the elder of the two[3]. About A.D. 1160. Henry I also granted a Charter to S. Frideswide's to hold a fair for seven days[4], and Parker argues that it would be most unreasonable to suppose that fairs existed in Oxford then for the first time.

Twyne's remarks on the origin of stallage payments are as follows:—

> It is very probable that the exaction of pitchinge pence and stallage might perhaps (if it be so auntient) begin in k. Edw. 2 his time, in regard of the ordinatio mercati, that is supposed to be then made, and so perhaps because of assigninge places at that time where all market folkes should stand & vtter their commodities, therefore this exaction was laide vppon them. But then the Chancellor & the Mayor were ioyned together in that power by the kinges charter (as it is shewed elsewhere the market at that time beinge in the kinges hande) & the Chancellor had to doe with this matter as much as the Mayor had, yea & wholly allso in the Mayors default, and after the great conflict, the Chancellor ought to haue it wholly to himselfe & alone. And therefore the Commoditie thence arisinge ought to belonge as well to the Chancellor and Uniuersitie as to the Towne.
>
> Or perhaps it maye very well be conceaued that this exaction of stallage had the like beginninge here in Oxford, as other exactions had [&] namely toll &c. for as of takinge toll for a time & beinge temporary by the kinges charter, towarde pontagium & muragium &c. as it is shewed in those notes elsewhere, they, against warrant, made it continuall and perpetuall, even so, by takinge some small consideration for stalles and the like, for the very same respect, namely towarde the reparation of bridges & walles &c. they haue made it perpetuall &c.

[1] Peshall's A. Wood's Anc. and Pres. State of the City of Oxford, p. 339.

[2] Chron. Mon. Abb. ii. 212, cited by Parker, p. 178. [3] Ib. ii. 229.

[4] This fair was leased to Robert Smyth, A.D. 1541, and granted to the city A.D. 1549 (Turner, City Rec. pp. 163–199). The writer remembers it as existing in the shape of one or two booths, which ceased about 40 years ago, but the fair is still represented annually by an apple-barrow.

I haue heard allso, that our Townesmen in their fayre, which they keepe at Allhallowtide, doe exact of strangers, a custome for openinge and sheweinge their wares vendible &c. which is called scavage or shewage, & is absolutely forbid by the statute
A.D. 1501. in 19° Hen. 7. c. 8.

Note allso that in the old time the Towne themselues did vse to finde the stalles for butchers & at their owne charges, and that perhaps might be the first Originall of that exaction of stallage, &c.[1]

The market tolls appear to have been paid at different times to the Constable of the Castle, and to the King's Chamberlain. The amount of toll from the earliest existing records was 100*s.*, which, as will be seen, was remitted in A. D. 1401. At a much later date (A. D. 1530), the Commissary (Vice-Chancellor) asserted, in answer to a complaint of the Town, 'that the ale wyghts had been usid ever as well in the tyme when the Kyng's Constable of his Castell had the same office and assay, as by the way of fine, for the which they sometime payed to the Kyngs Escheker v li. yearly[2]'.

Twyne summarizes this part of the history in the following words:—

A.D. 1285. Note, that King Edward ye I about ye 8 daye of May a° regni 13 had seized into his handes ye Clerkshipp of ye Towne's
A.D. 1311. markett, and lett it out in farme for 5 li. ye yere to ye Constable of ye castle, and so it continued until the xj^th^ yere of K. Edward ye 2, who that yere farmed it out to Sr Rich. Damory, who continued in it until the 17 yere of ye saide Kinge, and then
A.D. 1324. uppon the xx^th^ daye of March in that yere of his raigne, or rather uppon the 16th of March in a° regni 17, ye saide K. Edward 2 did joyne ye Chancellor of ye Universitie and ye Mayer in Commission about ye markett, as I finde it entered in ye Roll of temptatio panis &tc then made, in these words 'Temptatio panis facta apud Oxon 3° Id. April coram D^no^ Henrico Gower Cancellario Universitatis Oxon, et Rob^to^ de Wallington majore ejusdem villæ a° regni Regis Edw^di^ filii Regis Edwardi 17°, custodibus panis et cerevisiæ in villa supradicta et ejus suburbiis[3].

[1] Twyne's MSS. 16. 51 b.
[2] Turner, p. 87. It is not clear who paid the £5.
[3] Twyne's MSS. 16. 68.

North Bayly (New Inn Hall) Street
St Peters le Bayly Church and Churchyard
TO NEW MARKET
Butcher
Sellers
Farmers

II. THE TOPOGRAPHY OF THE MARKET.

THE passage already quoted from the Abingdon Chronicle shows that there was at that date a fixed part of the Town recognized as a market-place. There can be no reasonable doubt that Carfax was the centre of that place. In the reign of Edw. II an order of the market was settled, 'whereby every Trader or Seller or any one that came with Wares to be exposed to Sale on the said Market Days, viz. Wednesdays and Saturdays, were to know each one their stations.' 'The citizens of Oxford (for what reason I know not) withdrawing the yearly payment of the Fee Farm Rent from K. Edw. I, that Prince 13 Reg. seized the Clerkship of the Market to the use of the Exchequer, and let out the same sometime to the Constable of Oxford, and sometime to others who should pay for it. Hence King Edw. II by virtue of the aforesaid seizure and Royal Claim (from whence this Clerkship never returned again to the Citizens) by his Writ the 23d of May and 12th of his reign dated at York commanded the Mayor & Bailiffe of Oxford [that the Market] should be divided by Limits & Bounds, different from strangers in the standing of their Goods,' and 'if they did not conform hereto the University might do it exclusive of their Authority; who therefore ordained the Market as it had been of old[1]'. The sites then ordered for the principal trades are summarized by Peshall and succeeding writers, but the original document is full of minutiae so interesting to the local antiquarian, that I have transcribed it from the MSS. of Anthony Wood[2] entire.

A.D. 1284. May 23; A.D. 1319.

THE ORDINATION OF YE MARKET OF OXON USED IN OLD TIME AND OF LATE (VIZ. 12 EDW. II) RENEWED.

The Sellers of straw with their Horses or Cartes that bring it shall stand betweene East Gate and All Saints Ch. in ye middle of ye Kings Highway.

The Sellers of wood in Carts, busti in Charectis, shall stand betweene Shydyerd Street and ye tent sometime of John Maidstone (i.e.) ye street almost opposite to S. Marie's Ch. leading

[1] Wood's Ann. i. 400.

[2] Rather from a transcript of the MSS. made for the use of Peshall, now in the Bodl. Library. The Notes inserted in brackets are Peshall's. A copy of the original Latin, of which this is an expansion, is in Twyne's MSS., No. 16, and printed here in App. A.

to Oriall Coll. & ye ten^t^ on ye East side of ye Swan Inn or thereabouts.

The Sellers of bark, merenii (Note, rather timb. or planks to build withall) shall stand betweene ye ten^t^ which is called S. Thos. Hall and S^t^. Edward's Lane, that is, between ye ten^t^, now ye Swan Inn and ye Lane almost opposite All Saints Church.

The Sellers of Hogges & Piggs shall stand betweene ye Churches of S. Mary & All Saints and on ye North side of ye Street.

The Ale or Bere (Cervisia) shall stand betweene S^t^. Edward's Lane & ye ten^t^ sometimes of Alice de Lewbury on ye South side of ye Kings Highway, which ten^t^ Thos. de Ailesbury held of ye Proctors of S. Marie's Chantry in All Saints Ch. ye same ten^t^ as I guess, stood on ye East side of ye Chequer Inne, but why may it not be the ten^t^ which is furthest on this side within the Limitt of All Saints pīsh, viz. ye Spread Eagle which belongeth to All Saints Ch.?

The Sellers of Earthen Pots and Coles shall stand between ye said Lane of S^t^. Edward and ye ten^t^ sometime of John Hampton, which Richard Woodehays held while he lived, and from that place upward.

The Sellers of Gloves and Whitawyers (i. e.) Tawyers or Dressers of white Leather shall stand between All Saints Ch. & ye ten^t^ which was sometime John le Goldsmyth's which Robert Westley now holdeth of ye Masters of great University Hall on ye Northside of ye Street. This ten^t^ is ye next saving one or else ye very next on ye West side of ye Mitre Inn.

The Sellers of Monianiorum (i. e. perhaps of Furrs) and Lyndrapers and Langedrapers (Note i. e. wollen draps) shall stand from ye ten^t^ which was John le Goldsmith's to ye ten^t^ of ye Abbat of Osney in ye Corner which Jo. South sometime inhabited. This ten^t^ in ye Corner here mentioned is ye utmost (interlined, noe it is not, web's is ye utmost) ten^t^ in All Saints pīsh on this side saving two, and standeth almost opposite to ye two-faced Pumpe.

The Bakers selling Bread called Tuteseyn (Note, phaps meaning cours bread or horsbred) shall stand betweene ye Shop which Nich. le Spicer now holdeth, and ye ten^t^ which John Conyntroyer holdeth: which place, as I guess, stood about ye Roebuck Inn in N. gate Street on ye East side thereof.

The forraine Sellers of fish & those that are not free or of ye Gild shall stand on Market Days behind ye s^d^ Sellers of Bread towards ye middle of ye Street.

The forraine or Country Poleterrers shall stand between

Mauger Hall and ye ten^t^ called Somenois Inn (i. e.) from ye Crosse Inne doore to ye doore of ye Salutation (now ye Crowne) Tavern.

The Sellers of white Bread shall stand on each side of Quatervois from ye N. head thereof toward ye South.

The Tanners shall stand between Somenois Inn & Quatervois.

The Sellers of Chese Eggs Milke, beans, new pease, 'novarum pisarum,' and Butter shall stand on Quatervois Corner on each side of ye way towards ye Bailly.

The Sellers of Hay and Grasse, Herbagium, at ye Pillory.

The Sellers of Rushes or Broomes (Cirporum) opposite to ye Old Drapery (i. e. by ye old Bochers Row in ye Bayly on ye South side of ye Street).

The Sellers of Corne shall stand between N. Gate & Mauger Hall (see more of this in ye Corn market below).

The Frutars or Fruterers, viz. ye Sellers of Meale, Oat meale, and little Seeds shall stand from Gild hall down toward Knap Hall. viz. ye Castle Inne.

The Sellers of Herbs, viz. all manner of Pot herbs shall stand from Knap Hall toward Quatervois.

The Sellers of Dishes and Scullery Ware shall stand between Baptys yn and Stokenrow (stoquinarium) near to ye Pallace.

The Sellers of fresh Fish which are of ye Gild shall stand as they were formerly wont to doe under ye Pallace of Nich. le Spycer, that is, as I suppose, near to Kepehare Lane[1].

The Sellers of Wood (Busc. Note phaps 'tis meant here of such other combustibles fuell then what is before mentioned) from ye great Jury to ye tables where fish is sold, that is, about ye Blew Bore Lane or about ye entrance into Tresham Lane sometime ye great Jury.

The Carts with Thorns and Bushes shall stand between N. Gate and Drapery Hall on ye West side of ye Street, that is, up toward ye Crowne Inn.

So far may be said concerning the Ordination of ye Market for Country People, all which Stations are long since (about A.D. 1680) for ye most part vanished and their Wares not so

[1] Nicolas Saunderson of Oxford, Spycer, by his will, proved April 18th, 1399, left his house 'called anciently Domus Conversorum, now commonly called Carysyn, with le3 fishebordes standing on each side of my doorway' to his wife for the establishment of a chantry in S. Martin's Church. Turner, p. 175. This 'Domus Conversorum' became the Guild Hall of the town, and is either the same as, or closely adjoining to, the Blue Boar, mentioned so frequently. It was rebuilt in 1555. Turner, p. 261.

much as appear to be sold after that manner in Oxon: what of them remain are only ye Stations of hogs and pigs, which are also confined now under ye walls of All Saints Ch. & ye yard thereof: ye Station of Country coarse or horse bread, ye Poulterers: Sellers of Corn Herbs and Scullery ware. In ye next place it remaineth to speake of those Stations or places, which were allotted for those that were of the Gild or freedom of Oxon and had constant abiding Shops in each Street and daily exposed their Wares to sell; as concerning ye Antiquity of them I suppose 'tis beyond all Record to resolve; their names I find some of them to occur in ye Raignes of Henr. i. & ii. which I shall as they follow Alphabetically insert together with those Markets or public places of cõmerce that have been within ye Limitts of Oxon.

Alutarie (Alutaria) ye place where ye Leather Dressers dwelt and exposed their wares to sell. In S. Frid.'s Booke I find often mention of ye Allutarii in Oxon viz. Turoldus Allutarius and Rob. Bodyn Allutarius and ye like; concerning ye Situation thereof is express mention in a composition between Rob. Ewelme Prior of that place and Mable Wafrey Abbesse of Godstow of the Exchange of several Lands & revenues in Oxon A.D. 1286, viz. amongst ye rest I find it thus mentioned—de Selda Hugonis le Paumer in Allutaria in paroch. B. Michaelis Borealis, 10*s.* 3*d.* but in what part or what side of ye street therein I find it not exactly mentioned. See below on ye Cordwainers or Cordiners Rew.

Apothecaries Rew (Apothecaria) or ye place where ye Apothecaries' Shops were: in ye Will of one Joh. le Spycer 6. Edw. 3 there's mention of a certain seld situated in All Saints pīsh in ye High Street in Apothecaria between a ten^t^ of ye Hospital of S. John on ye one part and another of Mr. Walter ye Son of Will. de Spicer on ye other part being on ye West side: in another Will or Deed also of John Stodley Burgesse of Oxon concerning ye endowment of his Chantry mention is made of his Shop in All Saints pīsh Juxta magnam Portam in Apothecaria w^h^ with divers other Scripts denoting it to have been in that pīsh and though in what particular place it doth not appear to have its situation therein, yet by circumstance as I have elsewhere said [it] was from ye N.E. corner of All Saints Ch. yard where ye Backway into ye Phœnix Inne is to ye High Street, and to ye furthest extent of All Saints pīsh towards S. Maries' in ye E. Ward. This Profession is very ancient in Oxon and seemeth to have bin from ye first under ye Jurisdiction of ye Chanc^r^, at what time it was

A.D. 1332-3.

planted here I am in doubt, having not as yet seen any Script of it: yet however from what is here produced in appears that a certaine author (Note, Reynerus de antiquit. Benedictinorum in anglia) who reports that one John Falcandus of Luca was ye first Apothecary in England 32 Edw. iii. A.D. 1357 to be egregiously mistaken. See more in ye Spicery.

Butchers rews or shambles stiled in ancient Evidences Bocheria Macellaria Macellum and Carnificium, places it seems they were where Butchers did not only sell flesh but kill it, which proving noisome and injurious to ye Health of ye City & thereupon severall Complaints put up by ye University to K. Ed. iii. for ye prevention thereof and particularly in ye Butcher-rew in S. Martin's pīsh: he by his breif to ye Mayor & Bailives 13 year of his Raigne forbid them for ye future (tho ye Butchers paid £5 per añ. for ye use of them) to kill any Animal within ye walls but that they shod select a place remote from ye Concours of People & in ye suburbs, whereupon as it should seem they made choice of Lumbard Lane in ye S. suburbs, where they killing their Cattle to fit or prepare for ye Shambles did also afterwards by extreame Negligence so corrupt trill mill streame runing by it by casting therein entraills of Beasts to ye nuisance of ye neighbouring parts, as by severall præsentments therof by Juries appears, that at length in K. Henry viiie Raigne they were by ye Mayor & Cōmonalty cōmanded to remove to Lombard Land, as I have in my discourse of ye South suburbs already laid downe, but there neither continuing long, every Man at length killed at his oune home, soe that it was in ye suburbs. A.D. 1339–40.

These Butchers-Rews I find to have been antiently 3-fold, ye first was in S. Martin's pīsh as from severall antient Scripts appears, and written also Vicus Carnificum: in S. Frid.'s antient book there is mention among ye Charters of S. Martin's pīsh of one Henry ye Son of Simeon who gave to that Priory his Land in Macekaria Oxon. in ye begiñing of Henry iii, betweene ye Land of Wm Sweting and ye Land of Radulph ye Son of Leocran. In another place I find them termed ye Stalls of Butchers in ye same pīsh and ye Rent for ye standing of some then given to religious places; one Jeffrey Hengleshey a Burgesse of Oxon. gave to ye Nuns of Stodley in ye latter end of H. iii. a Stall with its Appurtenances situated betweene ye Hall of Adam Feteplace on ye West, ye Stall of Rich. de Farendon on ye East, in ye pīsh of S. Martin Oxon. in Bocherew there, which as appears in ye Confirmation of that Gift by ye said Jeffrey's Son was worth 5s. p. annm. These stalls as I guess stood beyond

S. Martin's Ch. in ye great Bayly. (Note, those butchers-rews were w^thout doubt ye sāe as now).

The 2^d place for ye Butchers was in All Saints pīsh, reaching from the utmost extent thereof towards S^t. Martin's even to S^t. Marie's Ch. divers antient Deeds tell us of Houses Stalls and ye like in All Saints & S^t. Marie's pīsh which are said to have been in macello & Bocheria: in a certain convention between 2 Parties, 'tis said that ye Abbat of Osney granted & demised to Arthur de Land a Seld with its Appurtenances in Macello Oxon in ye pīsh of All Saints, and Anketill de Pykering & Alice his wife gave ye s^d a messuage in ye same place: their Situation was I guess in ye place where ye Shambles on Market Days now stand, of ye S. side of high street.

The 3^d and last was in S. M. Magd. pīsh without N. Gate, in ye place where ye large Crosse was erected, as I've in N. Gate Hundred delivered: it was in ye Raigne of Edw. iii. stiled by ye name of Bocheria and had a constant standing as others had. To these I may adde a Street within this City or Suburbs called sometime Fleshmongers Street, as Godstow Book attesteth in a Charter therein in ye begining of H. ii: which without doubt was allotted for Butchers because signifying the same name with Macecarii in ye time of Edw. ye Confessor & Will. ye Conq. as their Laws witness: in what ward or suburb this Street of Fleshmongers was standing it doth nowhere as I know appeare. So farr with brevity may be said of ye antient Markets of ye Butchers; as for those that remaine at this present, are first ye Butchers Rew in S^t. Pet. in ye Bayly in ye Street there called ye great Bayly, and derived or continued as I suppose from ye antient one before expressed in S^t. Martin's pīsh and in this Street also. This place, it seems, which containes divers Shops under one slatted roofe, and where dayly to this time except on Market Days ye Butchers stand, was built at first in the 4th
A.D. 1557. year of Q. Mary; toward ye building whereof ye Towne, as I have heard, sold certain Lands neare Water Eaton called Suscote Leas. After it was finished ye City appointed that every Shop therein shold yield 24s. per an', which tho it did in some manner recompense them at present for ye Sale of ye Ground, yet since, by improvement of ye s^d Land by a good husband, was within these 40 years worth £200 per an', whereas these Shambles afterwards & to ye time they were burnt 1644 (Note, Butcherrew burnt 1644, re-edified 1656 [1]) yielded scarce 24 Marks by ye year. Herein according to ye ratification of ye Corporation

[1] See Boase, p. 157.

of ye Butchers of Oxon 15 Eliz. they shold keep their standing every Market Day, and that ye Country Butchers or forrainers shod have their standing beneath them, that is to say, between ye Shambles and ye way leading into ye Castle; but how long this continued or whether it took effect I cant tell. However at that time & long before, as now, ye Butchers as well free of ye Gild of Oxon as forrainers had & have on Market Days viz. twice in a week, Wednesdays & Saturdays, their Stalls to ye number of about 30 erected between Quatervois and S. Marie's Ch. on ye S. side of ye Street, which to this Day except in Lent Season is duly observed. A.D. 1573.

Cordwainry or Cordiners rew, in ancient Evidences written Cordwanaria, Corviseria, Corniseria & Allutaria soe called from those that employ themselves about Leather, that is to say Tanners, Curriers and Shoemakers, having been all probably in ancient times (inquire of this) of ye same Gild, those that are called Allutarii I suppose are ye same that tanne ye Skins of Beasts, and provide them for the Corveserii or Corearii which wee call Curriers; and those that are Cordwanarii are those that work upon ye Leather soe provided either for Shoes or Boots. Hugintio in his Lexicon de magnis derivationibus saith thus: Aluta, Atluæ, Pellis quæ tañata dicitur, vulgariter Cordewane dicitur, quoniam alit pedes, upon which account also Juvenall hath Appositam nigræ Lunam subtexit alutæ[1], and from thence Allutarius, Pelliparius, who worketh tanned Skins; thus he. Jo. Britannicus also on ye same verse of ye Poet saith that by ye word aluta we must understand to be every skin that is tenuis & mollis &tc. There is another kind of Craftsman also that busies himself in ye preparation of Leather called Basanarius, of whom it was foreseen & ordained at London that nullus Allutarius de opere Basani de cætero se intromittat sub [pæna] dim. marc. solvend. cõmunæ Civitatis, nec Basanarius de opere Alluti amodo se intromittat sub eadem pæna &tc. But of these being from our present purpose wee proceed; ye place therefore for ye Cordwayners in Oxon, whose Fraternity is as ancient as ye Norman Conq. if not before, as also of these here called Corveserii and Allutarii were in ye pīshes of S. Michael at N. Gate and S. Martin's as divers antient Scripts testify. In S. Frid. Book there is a Charter of one Thos. Feteplace a burgesse of Oxon, whereby he confirmeth to Joh. de Staunton whom he termeth Allutarius a Seld in Cordwanaria Oxon in ye pīsh of S. Martin &tc. and in ye English Register of Godstow, in ye Covenant there between Margery Dine Abbesse

[1] Juv. Sat. vii. 190.

of that place (in ye Raignes of Edw. ii. & iii.) & Thos. Marshall of Oxon, is mention of another Seld in S. Mich. pīsh. at N. Gate in ye Cordwainry, & on ye N. side of ye Seld of John Staunton: ye same place is also termed ye Corveseria & Corniseria and sometimes made quite different and mentioned as severall in one & ye same Deed. In ye Register of Stodley is ye Charter of one Rob. ye Son of Oein about ye year 1190, whereby he giveth to ye Nuns of ye same place 4 Selds in Corvisiria betweene ye Selds of Walrand de Crikkelade, and ye gate of Roger Sewi. In S. Frid. book 'tis stiled Coruiseria also, but in Osney book in a Charter containing ye Gifts of one Luke de Warch ye Corvisiria or Corviseria is inserted as quite different from ye Cordwainry, so that how to distinguish them from each other seemeth somewhat difficult, however from what is produced & from other Circumstances 'tis evident that their Shops were on ye E. side of N. Gate Street reaching from ye Crosse Inn & upwards towards Quatervois even to Cheyney Lane and from thence to Coleburne Lane where ye Jury was.

Cook-Rew (Coquinaria) ye place where ye Cooks lived or else expos'd or sold provision & other necessaries for man's life. Amongst severall Lands & tens that one John ye Son of Will. Bost called le Peyntour mentioneth in his Will 1348 [he] remembers his Toft in Oxon en le Coke-rewe, but in what pīsh he doth not tell us, though by circumstance it appears either to have bin in ye pīsh of S. Pet. in ye Bayly or else betweene Kepehare Lane & Baptist Yn. What else I find of them is that in ye 34 of Ed. iii. they had Tables or Stalls on Market Days in Fish Street to ye number of 6, and that each paid 2s. p. an. for their Stallage.

A.D. 1360-1.

Corn-market mentioned before in ye Ordination of ye Market [appears] to have stood as it doth now between N. Gate and Manger hall. For ye better convenience of ye Sellers thereof Dr Claymond President of C.C.C. built a leaden Roof supported by several stone pillars in ye middle of N. Gate Street A.D. 1536 that thereby in wet seasons sacks of Corne might be preserv'd from ye Violence of ye Weather: of which ye Author of his Life thus delivers,

> Urbs ubi rura colens Empturis hordea vendit.
> Aspice quadrifido tecta propinqua foro.
> Hoc erexit opus, talem Claymondus in usum,
> Ut siccus posset saccus habere locum.

Soe farr ye Poet, but this Covering or Roof which stood in ye sd Street between ye Whipping Post opposite to ye Cross Inne or

Mangerhall and ye Cage was by ye souldery in Oxon pulled down A 1644 and ye Lead thereof converted into Bullets and ye Timber into Military Engines. [Note.—Great corn markets wee use to have. Sep. 17. 1664 being then Saturday, was 240 Load of corne besides that brought o(n) horses & in boats. ye 24th also there was as they say as many: they stood from without N. gate beyond mag. ch.]

Cutlery (Cotelæria) or Cutlers Row, ye place where ye Cutlers lived or had their Shops & exposed their Wares to sell; all ye mention of it that I find is in a relation or Inquisition of a Conflict between ye Clerks & Laicks of Oxon 26. Edw. i. A.D. 1297-8. wherein speaking of ye Injuries done by 3000 Schollars then up in arms 'tis said they broke up ye Spicery Cotelerie & other places. In what pīsh street or Ward it was situated in doth not yet appeare, only but that it was a large place, and that ye trade thereof was in great Request in Oxon, more as it seemeth than in most places in England, and from thence Oxon perhaps had ye name for knives.

Drapery (Draperia) ye place where Cloth was sold, having bin antiently a great cōmodity here in Oxon; it was 2 fold, ye first Drapery was in St Martin's pīsh beyond ye Ch. in ye great Bayly, as I've already said in N. W. Ward & before in ye Ordination of ye Market: ye other Drapery was also in ye same pīsh, but situated in N. Gate Street as I have in my Discourse of ye aforesaid Ward declared. Mention thereof I find about ye middle of ye Raigne of Henry iii. for then in an antient Deed About A.D. 1244. 'tis expressed that one Will. Pileth gave to ye Canons of Osney 10s yearly rent which he was wont to receive of Andr. Halegoth from a certain Seld in Draperia Oxon in ye pīsh of S. Martin, which was between ye Seld of Thos. Manger and ye Seld of Will. Burewold; divers other instances I find thereof and that it contain'd many Shops which I shall now for brevity sake passe over.

Fletcherie (Flecheria) where ye Bowmakers or Fletchers had their Shops; all ye mention of which is in ye aforesaid Conflict expressed in ye Cutlerie when as ye Schollars of Oxon broke up and robbed ye Fletcherie.

Fourburie (fourburia), ye place where ye Scourers or Trimers up of Armour lived, expressed also in ye sd Inquisition, which is all I have seen thereof.

Glovery or Glovers'-Row (Cyrothecaria), ye place where Glovers dwelt and sold gloves: in ye Ordination of ye Market there is mention there of ye Glovers, not free of ye Corporation (where

they) shod stand, but besides them was a place in ye same pīsh of All Saints, where ye Towne Glovers had Shops and sold ye said wares as also Girdles: ye name of Cyrothecaria I find often mentioned in ancient writings, and particularly in a certaine Complaint 20 Edw. i. of this Profession against rude verletts that had cōmitted Actions of Battery on them in their Shops in Cyrothecaria in ye pīsh of All Saints, which is all considerable I have seen thereof, only but that, as from severall instances appears, it was a trade of great Dealing here; ye Corporation of them solemniz'd their Masses on their service Days in All Hallows Ch. & had at last a Chapple built therein by one of their own Fraternity for their use, as I have in that Church elsewhere delivered.

A.D. 1291-2.

Iandewins market, sometimes written yandewyns Market dayly kept in ancient time on ye side of ye Towne Ditch between South Gate and Crowell as I have in Holywell and N. Suburbs already express'd, and not unlikely a remnant or relique it hath bin of that most ancient market in Holywell Green. (Note, the same sure as Horsmonger Street.)

Lormery, stiled in antient Deeds Lormeria, Lorimeria and Lorineria: it was ye place where ye Lorimers or Loriners had their Shops, that is, those that professed ye working & making of Bits & Bridles for Horses, a Society of whom there is at this time at London; as for this place in Oxon. I find mention thereof in S. Frid: book, viz. in a Charter there of one Walter ye son of Roger Codegnave, whereby he gave to Andr. Halegod ye Medietie of a Seld in Lormeria Oxon, in ye pīsh of S. Mich. at N. Gate, which Seld it seems with other Revenues in Oxoñ amounting to ye value of 13s 8d he gave to ye Canons of S. Frid. In another place 'tis express'd that Gilbt Abbat of Einsham about ye aforementioned time demis'd to Tho. de Wynton a Loriner of Oxoñ a Seld with ye Appurtenances in Lormeria Oxoñ in ye pish of S. Mich. at N. Gate, which Seld lay between ye Land of Robt ye Miller on ye N. & ye Land of Simon Blancpaine on ye South. Soe farr ye sd 2 Extracts by which it appears this place was in S. Michs at N. Gate, elsewhere to have bin within ye wall, but in what Ward 'tis not declared, though, as I guess, it was near ye places where ye Cordwainers & Jury were.

Mercery (merceria) ye place where mercery or Grocery was sold of which I find to have been 2 of that name in Oxoñ, that is to say, one in S. Martin's ye other in All-Hallowes pīsh. As for that in ye first is express mention in an Inquisition of Lands 6. Edw. i. thus. Idem Hospitale (meaning that of S. John's

A.D. 1277-8.

in Oxoñ) pcepit de 4 seldis in la mercerie in eadem parochia (S. Martini) 35^{s} &tc: ye particular place in which it stood is also shewn in a Cognition or Acknowledgement of one Thom. de Stanton Mercer made to Margery la Hore 24 Edw. i. of a certaine rent issuing out of a Shop in S. Martin's pīsh Oxoñ ex apposito Capitis oriental. ejusdem Ecclesiæ in Merceria &tc. And then for ye other in All Saints pīsh Godstow Engl. Register produceth a Charter for ye proofe thereof, viz. that John Curcy of Oxford gave to Hugh Hore Mercer a Seld with a Stall & a Cellar in ye Mercery in All Hallowsyn parish &tc. which is all I have seen thereof. A.D. 1295-6.

Newmarket[1], in ye pīsh of S. Pet. in ye Bayly & S. Ebbs, sometimes limited from ye entrance into Bullock's Lane from ye Bayly to W. gate, and from ye Stone house belonging to X^{t} Ch. opposite to ye s^{d} Lane to Freren street leading from S. Ebbs Ch. to W. Gate with all ye Gardens behind those Houses that stand therein containing 2 Acres of Ground and more. It was a full Market of Beasts & Hogs & continued in request till ye Raign of H. vii or thereaboute, and then failing in its resort (upon what account I know not) ye ground thereof which did for ye most part belong to ye City & Osney Abbey, now X^{t} Ch: was by them demis'd to private Persons, who divided it into Garden Plotts & afterward built Cottages thereon, as from severall of their writings appears. (Note. Newmarket began at an Entry into an old Lane on ye W. side of ye stone house against Bullock's Lane.) A.D. 1485.

Orfeurie (aurifabria), ye place where ye Gold & Silver Smiths had their Shops, having bin formerly a great Proffession in Oxford, I find ye name thereof in Divers Evidences & among the rest in one dated 1259 whereby Will: Burgeis of Oxon giveth to Littlemore Nuñery one Mark per ann. out of his ten^{t} in Aurifabria in ye pīsh of All Saints: soe likewise ye Chyrograph of one Bicard ye son of Will. le Espycer 27 Edw. i. maketh mention of his Seld in ye Spicery and his house in ye Aurifabria, and above all Hen. Punchard before ye s^{d} time some years in his release to ye Nuns of Stodley of a house in this place which was A.D. 1298-9.

[1] Turner, p. 114, prints a lease from the City of '. . . another parcell of grounde lying in Newmarket, northe and southe, containing in length from the hight way ledyn from the grette ballyolle to the weste gate vii perchys,' dated Dec. 24, 1532. See also p. 177. 'There was, and is still, a place in S. Peter's in the Baylie over against the Castle, viz. on the southe side thereof, called by the name of Newe market, demised nowe by the Towne to Griffin the Baker, who hath built many tenements there, and divided it out into diverse tenements and gardens.'—Twyne's MSS. 16, f. 5.

sometimes Will. Burgeises stiles it ye Orfeueria, which without doubt is one & ye sam with Aurifabria. In a husteng roll
A.D. 1342-3. 16 Edw. iii. concerning a plea of transgression between a Goldsmith & a Goldbeater are numbered most of ye Goldsmiths Shops in Oxoñ, which were it seems not a few, and elsewhere is mention made of Burgus Aurifabrorum and ye like, from which we cannot otherwise but suppose that Oxoñ was a famous place for this Profession, and that not unlikely were a Corporation of themselves in those times. Their Shops were as is aforesaid in All Saints pīsh, & as I guess on ye N. side of ye Street between St Martins & All Saints Ch. and reached to and partly in ye Street which I have in N. E. Ward called Silver Streete.

Parmenterie (parmentria), a place as it seemeth where ye Parchment makers sold that Cõmodity, or else if you will those that made & provided Skins for ye Exemplarii. In ye Mayors
A.D. 1274-5. Court of Oxoñ 3 Edw. i. there was one Will. ye Son of Tho. le Parmenter who gave in 2 sureties for ye payment of his forfeiture to ye Mayor, because he bought in Oxoñ pelles de parmentr: against ye Liberties of ye Towne of Oxoñ. I find often mention of this place and sellers thereof to be termed parmentria and parmentarii, its situation in alto vico, as 'tis expressed in a plea of
A.D. 1307-8. transgression 1. Edw. ii, against severall that made a riot in Parmentria, but in what ward or pīsh it was (unless in S. Maries) I am yet to learn.

Pyebakers place (of) which I find to have been in this City, and I suppose not improper to have them inserted here. One
A.D. 1412-22. was in S. Marie's pīsh[1] owned in ye Raigne of H. v. by John Ludelow sometimes ye Mayors Sergeant, who afterwards for ye great respect he bore to this Corporation, from whence he obtained his livelyhood, did with consent of his wife Alice give it by ye same name to ye Mayor & Cõmonalty of Oxoñ, for which he among other Benefactors had a Dirige solemnized for him.
A.D. 1532-3. In a dimission from ye City of it 24 H. viii, I find it to have been situated in S. Marie's pish adjoyning a Lane going out of ye high street unto S. Mary hall on ye East part, and upon a tent pertaining to Thom. Bartley, Gent. on ye West & upon ye high street on ye North. The other place by this name was at N. Gate and seemed also to have belonged to ye City; all that I find thereof is in ye grant of a Lease thereof by ye name

[1] An Order of the Town Council, Nov. 5, 1556, leased to a bookseller 'the corner house in Seynt Mary parisshe, comenly called the Pyebakers housse.'—Turner, p. 263.

of Pyebakers from ye City 10 H. viii, to John Archer for ye terme of 99 years, by which, viz. from ye sd Owner, I guess that it stood within ye wall, and near to ye antient House called New Inn opposite to S. Mich. Ch. A.D. 1518–9.

Poulterie (poletria), ye place where Poulterers sold their wares. In ye Ordination of ye Market before mentioned is inserted ye place where ye Country Poulterers stood, but beside that appears another for ye Inhabitants of Oxon and in ye same pish of S. Martin ye name of Poulterer occurrs very often in ye antient Scripts of ye City as also ye divers overseers and Controllers of them concerning ye Comodities they sold. Among which, in ye 17 Edw. i, one Will. de Lechlade and Joh. de Wycombe were then appointed to be Custodes Poletriæ, which is all considerable I have found thereof. A.D. 1288–9.

Sywyria, such a place in Oxon and in St Martin's pish occurs, but what it meaneth or whether it be a Corruption from another word I am in Doubt; all that I find thereof is a certaine Rentall 1401. going thus—de 6*s*. 8*d*. Capitalis redd: de una Shoppa Abbis et Con. de Osney in Sywyria Oxon. Situat. inter ten. Tho. de Gloucestre ex parte bor. &ct.

Spicery (Spiceria), ye place or Shops where Spices Seeds and certaine Roots were sold, concerning the breaking up of which in K. H. iii his Raigne by ye Schollars of Oxon in a Conflict between them & ye Townsmen, hear ye old Rithems of Rob. of Glouc.

> In the south halfe of ye toune, and suth ye spicerie,
> Hij breke from end to other, and dude all to robberie.

Thus ye Poet. It had its situation where ye Apothecary's rew was, as I have in N. E. Ward shewed, and seemeth for ye most part to have belonged to S. John's Hospitall, as severall Records testify, among which one by way of Inquisition 6 Edw. i, goeth thus, Idem Hospitall &ct ye same hospitall also receiveth from a certaine house with a Seld near to ye Seld of Will. le Spicer in ye Espycery in ye pish of All Saints 2 marks. A.D. 1277–8.

Stokin-rew (Stoquinarium), Hosaria, see in ye Ordination of ye Market.

Vintry (vintria) or as a Rentall of Osney hath forum vinarium in parochia S. Martini, of which hear ye old Rithems of Rob. of Glouc. upon ye same account as before in ye Spicery.

> Vor ye mor was viniter: hij breke ye viniterie,
> And all othere in ye town, & that was late [1] maistrie [2].

[1] Note: 'rather lude.'

[2] See Boase, p. 84.

Winchelsrew, ye place where ye freemen of Oxoñ sold fish: see in fishstreet in ye beginning of my discourse of ye wards.

Surie (sutoria). Item lego Executoribus meis quoddam Solariun. in le Surie, situat. in paroch. S. Mich. ad portam bor. &tc. Soe one John Peggy, a Burgesse of Oxoñ, in his last testament 1349. It was ye place or Rew as it seemeth where ye Taylers of Oxoñ had their shops, situated near ye Cordiners Rew, as I've elsewhere in ye E. Ward express'd. Among ye severall Customs that this Trade used in ancient time was their revelling on ye Vigil of S. John Bapt. who, as it seems, caressing themselves at that time with all Joviality in Meats and Drinks w^d^ in ye midst of ye night dance and take a Circuit thro' all ye Streets in Oxoñ, accompanyed with divers Musicall Instruments, and using some certain Sonnetts in praise of their Profession & Patron & ye like, and often to ye Disturbance of ye Publick abuse most People, tho they were ye Watch, that they meet; which yearly increasing more & more & for ye most part with great abuse observed and thereby severall People wounded & slaine, as I have seen in some Inquisition, was, together with another revelling Circuit on ye Vigil of St Peter & S. Paul, belike of some other Profession, prohibited by ye King in his Letters sent to ye Chanc^r^ of ye University for that purpose A^o^. 1444.

To these may be added other markets also which have been anciently in Oxoñ, that is to say, 1, ye wollmarket, according to tradition formerly in Holywell green, & on part of ye ground included in Magd. Coll. Grove, sometimes known by ye name of Pary's Mead. Here it seems, according to an old Booke which belonged sometimes to ye weevers of Oxoñ, hath beene 23 Loomes at once working and Barges passing thereby & coñing up to it on ye River Charwell, as also according to a certaine note that I have seen 70 Fullers & Weevers were altogether sometimes there inhabiting, but how true they are, especially ye former, I can't say having never as yet had ye sight of ye said Book to confirme it: however that there hath been a Street of Houses call'd Beansvall Street, and Fullers inhabiting thereabouts, is evident elsewhere; & that also a large Crosse of Stone sometimes standing on ye said Green is expressed occasionally in severall Scripts, which without doubt may be tokens sufficient for such Concourse of People here.

The next market that occurs was that called by ye name of forum parvis, or ye little market wherein seemeth to have been sold wollen cloth, but where standing or kept I've nowhere

as yet seen; all ye mention I find of it is in a Roll 31 Edw. i, de Nominibus Prisonum Goale Oxoñ, where 'tis said that one Joh. Pylle was attached for ye receiving of a piece of wollen cloth containing 6 ells and a half stolen in Oxoñ in ye Market called parvys et de uno pari novarum Setularum stoln at ye Seld of Adam de Wilton &tc. Whether by ye word parvys may be meant Parys and ye market kept in that meadow I am in doubt. A.D. 1302-3.

(Bring in ye market here in Brokenheys, which perhaps was in lew of ye market of Beasts mentioned elsewhere.)

Then was there a weekly market, viz. on every Wednesday in Brokenheys and Gloucester Green, granted by Q. Elizabeth in ye 44th year of her Raigne to ye Citizens of Oxon, but on what account, whether in lieu of a market of Beasts kept sometimes on that Day, I am in doubt. However this did not long continue or not above once or twice observ'd, for what by ye præjudicing of ye University Liberties by its Observance, or else ye taking by them ye assaie of bread & ale according to ye Charter of ye grant thereof, it was quite neglected. A wool-market in N. Gate hundred (vid. Hist. an. 1356 at ye end), which shews that Oxoñ was a Staple towne. Dec. 4, A.D. 1601. *See* pp. 31-32.

These MS. notes of Wood on the different markets may be fitly enlarged by such extracts from his printed work and from the City Records as bear upon the subject.

Thus on May 21, A.D. 1293, the king, on complaint of the Chancellor, forbad the use of 'the corrupt water' of Trill Mill stream by the bakers and brewers, as obnoxious to the health of Scholars and others[1]. May 21, A.D. 1293.

In A.D. 1339, the following order was issued by the King to prevent the slaughter of beasts within the walls of the town. July 30, A.D. 1339.

AMOTIO MACELLI ET DE GROSSIS BESTIJS INTRA VRBEM NON MACTANDIS.

Edwardus dei gratia Rex Angliæ, Dominus Hiberniæ et dux Aquitaniæ dilectis et fidelibus suis, Cancellario Vniuersitatis Oxoñ ac custodi domus de Merton ibidem qui nunc sunt vel qui pro tempore erunt salutem. Sciatis quod cùm nuper dato nobis intelligi quod quam plures grossæ bestiæ videlicet boues, vaccæ,

[1] In Wood's own time, circiter A.D. 1680, there were three or four breweries which used this water, of which he gives a very unsavoury account. Wood's Ann. i. 345.

porci, oues, vituli, et aliæ huiusmodi in diuersis locis infra muros villæ prædictæ indies—mactatæ fuerunt et etiam quod tot fimi et fimarij et aliæ fœditates in stratis, vicis et venellis villæ illius infra eosdem muros extiterunt quod per abominabiles fœtores qui ex mactatione dictarum bestiarum ac fœditate fimorum et fimariorum huiusmodi prouenerunt aer ibidem inficiebatur quod quidam tam magnatum et aliorum ad dictam villam declinantium quam Scholarium et Burgensium cæterorumque in dicta villa degentium gravibus corporum suorum infirmitalibus sæpius detinebantur et exinde aliqui moriebantur, Volentes huiusmodi malis et periculis præcauere et sanitati prædictorum ac honestati villæ prædictæ, maximè dum Magistrorum et scholarium Uniuersitas ibi vigeret prouidere per Breue nostrum mandauerimus Maiori et Balliuis villæ prædictæ quod in villa prædicta vbi expedire viderent publice proclamari et ex parte nostra firmiter inhiberi facerent ne qui Carnifices aut alij huiusmodi grossas bestias infra muros prædictos mactarent, nec Burgenses seu alij fimos, fimarios siue alias fœditates in stratis, vicis et venellis prædictis ubi communis hominum est transitus ponerent seu poni facerent nec fieri permitterent; sed quod statim facta proclamatione huiusmodi, illos per quos huiusmodi fimi fimarij et fœditates sic ponerentur, dictos stratas, vicos et venellas sine dilatione aliqua inde mundare et mandatos custodire facerent; Ac ijdem Maior et Balliui nobis retornauerunt quod à tempore quo non extat memoria certus locus deputatus et ordinatus extitit pro Carnificibus ad bestias ibidem mactandas et etiam carnes vendendos qui quidem locus arrentatus fuit ad centum solidos in firma villæ prædictæ: ita quod, dicti Carnifices in loco illo a tempore prædicto sine interruptione officium suum prædictum exercuerunt, et quod sine diminutione firmæ prædictæ locus aliquis pro officio prædicto exercendo prouideri non potuit, per quod, nos Breue nostrum prædictum per ipsos Maiorum et Balliuos sic indorsatum et coram nobis in Cancellaria nostra retornatum coram dilectis et fidelibus nostris Ricardo de Wilughby et socijs suis Justiciarijs ad placita coram nobis tenenda assignatis misimus, mandantes quod Inspectis Breui et indorsamento prædictis, vocatisque coram nobis præfatis Maiore et Balliuis et alijs qui forent euocandi et auditis tam prædicti Cancellarij aut procuratorum Vniuersitatis prædictæ quam dictorum Maioris et Balliuorum rationibus hinc et inde vlterius in hac parte facerent quod de iure et rationabiliter fore viderent faciendum. Et quia vocatis coram nobis præfatis Maiore et Balliuis in forma prædicta qui coram nobis iuxta præmonitionem eis inde factam per

Robertum de Hauerbergh, Attornatum suum, comparuerunt, et auditis tam ipsius Cancellarij quam Maioris et Balliuorum prædictorum in hac parte rationibus, præmissisque omnibus et singulis coram nobis processu debito deductis, consideratum fuit, quod communis mactatio grossarum bestiarum in loco prædicto in commune damnum et oppressionem populi nostri de cætero non fiat, et per Breue nostrum de iudicio sub testimonium prædicti Richardi vicecomiti nostro Oxoñ extitit demandatum, quod huiusmodi mactationem bestiarum ibidem aut fimos et fimarios seu alias fœditates in loci publicis eiusdem villæ in oppressionem et commune damnum populi de cætero fieri non permitteret, sicut per tenorem Recordi et processus inde habit. quam coram nobis in Cancellaria nostra certis de causis venire facimus nobis constat; quod quidem mandatum præfatus vicecomes hactenus facere recusauit, ut accepimus. Nos volentes ea quæ sic in Curia nostra considerata existunt, executioni debito demandari, assignauimus vos ad supervidend. et ordinand. quod huiusmodi grossæ bestiæ in loco prædicto non mactentur, nec quod fimi, fimarij aut aliæ fœditates prædictæ in locis publicis eiusdem villæ ponantur nec fiant: sed quod prædicti stratæ, vici et venellæ de fimis et fimarijs et fœditatibus prædictis mundentur et mundati custodiantur ex causis præmissis iuxta formam consideracionis prædictæ; et ad informand. vos Inquisitiones tam per clericos quam per laicos villæ prædictæ inde quotiens opus fuerit capiendum de veritate præmissorum, et ad illos quos culpabiles vel rebelles inueniri contigerit per amerciamenta et alijs modis prout expedire videritis et rationabiliter faciendum fuerit puniri faciend. considerata diligentius qualitate et quantitate delicti in hac parte. Et ne executio præmissorum per absentiam contrarietatem aut recusationem vestram præfate Custos retardetur volumus et vobis præfato Cancellario damus tenore presentium potestatem præmissa omnia ac singula iuxta formam consideracionis prædictæ sicut prædictum est faciendi et exequendi quotiens opus fuerit et vos dicte Custos hoc facere recusaueritis vel nolueritis dum tamen sitis per vos præfato Cancellario faciend. cùm ea fieri debeant, debite præmuniti. Et ideo vobis mandamus quod circa præmissa quandocunque opus fuerit attendatis et ea exequamini et fieri faciatis in forma prædicta. Damus autem vniuersis et singulis villæ prædictæ quorum interest ac Vicecomiti nostro comitatus prædicti tenore presentium in mandatis quod vobis in præmissis omnibus et singulis in forma prædicta pareant et intendant quotiens et prout sciri eis feceritis ex parte nostra. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste

Edwardo duce Cornubiæ et Comite Cestriæ filio nostro charissimo Custode Angliæ apud Remyngton xxx^mo die Julij, anno regni nostri 13°.

Originale extat sub sigillo in Archiuis Vniuersitatis pixide N. v. in ℏ p. 91. [Twyne's MSS. 16, f. 16.]

But the burghers, taking it very grievously that there should be such a disturbance made among them, and especially among the butchers, returned answer to the King 'that in ancient times beyond all memory a certain place was deputed & ordained for Butchers, wherein they might kill their beasts and sell flesh, which place was rented of the King for 100^s per annum, and was part of the fee farm of the Town, therefore the said Butchers ought to exercise their trade in the same place without any interruption, and especially for this reason, that another place cannot be provided for the exercising their trade without deminution of the fee farm aforesaid[1].' The town, however, was compelled in the next year, by a second letter from the King, to find another place, and 'the said nuisances being visible to all, the butchers' place of killing was removed to Lumbard or Slaying Lane, without the South Gate[2].'

Nov. 7, A.D. 1531. On Nov. 7, A. D. 1531, the Town Council acted upon their claim to fix the position of the market, and issued an order that 'no fyshemonger shall kepe any stalle to sell fyshe over above the stalls under the Guylde Halle, but they shall stonde under ye Guihalde and the Blewe bore, and there to sell theyr fyshe under the payne of forfayture of xl^s to be p^d to the usse of the Towne coffers, and that they that stonde above the Guylde Hall shall come & stonde benethe by the fest of the Natyvytie of S. John Baptiste next commyng.' The next year,

July 9, A.D. 1532. the fishmongers were ordered to pay a rent of 53*s.* 4*d.* for their standings between the Guildhall and the Blue Boar, and no swine were to be allowed 'goyng in the stretts' on fine of xij d[3].

Jan. 21, A.D. 153⅔. On Jan. 21, A. D. 153⅔, it was decided by a majority of the Town Council that the butchers should sell flesh in their shops every Sunday in the year[4].

[1] The place within the walls no doubt was Butchers' Row, described above in Wood's MS. notes. Wood i. 435.

[2] Two centuries later, on May 7th, A. D. 1535, the Town Council ordered that a new slaughter-house be built 'on the voyde ground by the Southe Bryge called Lamberds Lande,' and that the slaughter-house then in the lane should be used no longer. Slaughtering, however, must have gone on to some extent at a later period within the town, for a Town Council order dated June 15, A. D. 1582, forbids the practice, as also the melting of tallow within the town. Turner, 133, 423.

[3] Turner, 106, 109.

[4] Ibid. 116.

On Dec. 1, A.D. 1536, the Council voted that 'Mr. . . . . Clemens, President of Corpus Xpci College shall have . . . sotts in the Hight Strett called Northegate strett from the Crowne to the Kyng's hede, and there to bylde a howse for peopyll to stond to sell corne and all other grayne[1].' Dec. 1, A.D.1536.

On March 13, A. D. 155$\frac{5}{6}$, it was agreed by the Town Council that the marketplace for 'byeing and sellyng of suche thyngs as have been usually brought to be sold & bought at Carfox shall extend from Carfax unto the lower end of the Cawsey now begynnyng to be made[2].' A coney market was also set up at the same time, but it does not appear where. March 13, A.D. 155$\frac{5}{6}$.

By A. D. 1556 the new shambles in Slaughter Lane must have been in working order, for an order of the Town Council, dated Aug. 28 of that year, imposed a rent of 23*s.* a year on each of the butchers' shops in them. They still however kept their shops in Butchers' Row, about which, with the fishmongers' stalls by the Guildhall, an order of the Council is dated March 8, A. D. 158$\frac{1}{2}$[3]. Aug. 28, A.D.1556.

On Dec. 16, A. D. 1563, a Saturday weekly cattle-market was ordered by the Council, but it does not appear whether it was in addition to or in the place of the Wednesday market, which was established by an order of April 21, A. D. 1520[4]. A.D.1563.

These are all the notices concerning the topography of the Markets which I have been able to gather from printed or MS. records before the date of Agas's map, A. D. 1578. In the reproduction of that map only the stalls of the butchers in the Great Bailey (now the west end of Queen Street) and Dr. Claymond's shed in the Cornmarket are depicted. A.D.1578.

The Council ordered that 'some fyve or sixe loode of Slatte' be provided at the charge of the City 'for the necessarie repayringe of the bocher-rowe[5].' May 3, A.D.1586.

The Council ordered 'that frome henceforth no manner of person or p̄sons either free or forren shall at any time sell any apples peares plumes or other fruyte in or under any bulk nor have any standinge nor sell any fruyte in the open streete but onli uppon Wensdays & Saturdays being the markett dayes[6].' Oct. 13, A.D.1589.

It was agreed by the Council 'that whereas the Inhabitants of Northgate hundred, lately purchased by this Citie, are desirous to have a weekly markett and two faires yereli within the same hundred. And March 26, A.D. 1591.

[1] Turner, 140. [2] C. B. (Q. 1) 50. [3] Ibid. 256, 420.
[4] Ibid. 24, 306. [5] Ibid. 300 *a*. [6] Ibid. 313 *b*.

therefore are contented to make collection among themselves for a certen porcon of money to distribute towards the purchaseinge of the said markett and faires. And for the collection thereof Mr. Richard Lloid, Augustin Pricket & Nicholas Wicks are appointed Collectors by this house. And also that the Citie shall goe forward with the purchase of the said markett and faires the next Terme [1].'

May 11, A.D.1592. The next year a pound was ordered to be made 'in Broken hayes or the streete leading to St. Giles his churche' as should be found most convenient [2].

Oct. 10, A.D.1598. William Holbert was allowed 20s. yearly 'to see Pennylesse Bench allwaies kept cleane, and to keep those from the same bench on markett daies and other tymes, who ought not to sit or stand there [3].'

Oct. 21. In the same year the Mayor and others were appointed to follow up the suit for a Wednesday cattle market in North Gate hundred 'with

April 30, A.D.1599. convenient faires by Charter from the Prince,' and in the following year the Queen was petitioned for the same [4].

July 17. In the same year it was ordered that 'accordinge to an Auncient

See p. 30. Custome of this Citie there shall no more but twoe Butchers kepe shoppe or sell any fleshe upon Sundays,' the privilege to go by seniority, but the butchers in Magdalen parish and the suburbs were to be regulated by the discretion of the Mayor for the time being. This order was repeated eighteen years later [5].

Dec. 4, A.D. 1601. In the City Records is a notice [6] 'Dec. 4th 44 Eliz. A Graunt to the City to hold Wednesday Markett in Brokenhays and Gloucester Green and to hold three ffaires there yearly with a Piepowdere Court and all Toll there saving the assay of bread &tc to the Uice Chancellor.' This market was granted 'because the streets being narrow were inconvenient [7].' The fair days were May 3, July 2 and Oct. 23.

Sep. 29, A.D.1684. [A note is added to this, '29 Sep. 36 Car. 2, all markets confirmed though disused. By colour of this ye hogmarket was carryed from All-hallows Church to Broken hays.']

March 17, A.D. 161½. In 1614 it was ordered that 'the butchers shoppes in the butchers-rowe shall be repayred at the Chardge of this Cyttie by the Chamberlens [8].'

March 7, A.D. 161½. In 1618, Thomas Stevens, a fishmonger, was adjudged to 'have lost his standing nigh the Guildhall,' for not having used it for six or seven weeks [9].

June 17, A.D.1623. In 1623 the butchers (12 in number, including Cook afterwards mentioned) agreed, and the Council, ordered 'to amend and repayre

[1] C. B. (Q. 1) 318 *b*.
[2] Ibid. 356 *b*.
[3] C. B. (Q. 2) 52 *a*.
[4] Ibid. 52 *b*.
[5] Ibid. 56 *b*, 205 *a*.
[6] C. R. Wright's Coll. 187.
[7] C. B. (Q. 2) 231.
[8] Ibid. 164 *b*.
[9] Ibid. 213.

their shopps in the Butch. Rowe and the Penthouses to make uniforme and substantiall. And every man to pitch to the gutter the bredth of eny Shopp before his Shopp at or before Midsomer daye next,' on pain of losing his shop, 'and for that there is nowe a Twelfth place voyd, Mr. Mayor, as of Antient Right and customᵉ he ought to doe, hath elected and put into the same place Richard Cook [1].'

In the same Council, after settling a dispute about seniority it, was ordered that the fishmongers 'shall not keepe stalls out of theire place, nor in any other streete or ptes of the Cyttie, then where now it is accustomed and used [2].' Their rents were to be 10*s*., 9*s*., 8*s*., &c. yearly according to their seniority of place, and the next year one of them was committed to prison for refusing to pay his rent [3]. Sept. 4, A.D. 1624.

'In Mr Dr Prideaux Vicechancellorship time viz. against the parliament time here in Oxford, the saide Vicechancellor caused all the market of the butcher rewe that was in the high strete, to be remoued to the old Bucher rewe in St. Peters in the Baylie, and they all came thither. But the Inhabitants thereabouts complayninge of the straytnesse & findinge fault that the place would be tainted thereby, desired after the parliament was gone to haue the said Butchers market remoued to the old place againe, the Clarkes of the Market being then Mr French of Merton Coll. & Mr Stevyns of All Soules. A.D. 1625.

'Then Mr Griffin the Baker and Hillyard the Butcher beinge greiued at the Butchers beinge there, went to Blaydon to the Vicechancellor beinge there, to gett a Warrant to the Clarks of the market to haue the market remoued to the old place, which was done at the Vicechancellors command. The warrant was deliuered by them (viz. Griffin & Hillyard) to the Clarke of the markets man Jo. Shurle, vnto whom they gaue some consideration to take that Warrant and by vertue thereof to cause the saide market folkes that had stalles there to bringe them downe againe to the old place before, and they did it, whereof the Inhabitants were glad, euer since which time they haue there continued &c. The Towne nothinge medlinge all this while therewith.

2

The marke of Jo. Shurle.

'This note I tooke from the parties owne mouth as he deliuered it to me verbatim Febr. 5°. 1639.

Br. Twyne [4].'

[1] C. B. (Q. 2) 266 *a*. [2] Ibid. 266 *b*. [3] Ibid. 279 *b*.
[4] Twyne's MSS. 16, f. 53.

April 4, A.D. 1626. Next year it was ordered that 'course by suite in lawe shall be taken against the fismongers of this Cittie for paiemt of their rents for

March 7, A.D. 162⅞. some four yeares past[1].' They still, however, continued recalcitrant, for two years later it was ordered that whereas the fishmongers who have standing under the Guildhall refuse to pay the rents, 'it is now agreed that the Chamberleyne shall demaund the arrerage of their Rents, and those who shall then refuse shalbe putt out of their Stalles, and others that will pay to be placed therein by this house.'

At the same Council it was agreed 'that forasmuch as the Stalles standing under Carfoxe Churche and about Carfox doe much straighten the king's high streete, insomuch that Carts and Passengers cannot passe wthout dainger our Bayliffes shall take course for the removing of the same Stalles, beginning with fforriners first[2].'

Sept. 26, A.D. 1629. In 1629 it was ordered that no butcher should let his shop in the Old Butcher Row 'to any other than the next [i. e. in seniority] or to sell any man's meat there but his own' and the Bailiffs were 'to suppresse the Butchers that have shoppes against the Old Butcher Row for further sellinge of meate there[3].'

Jan. 27, A.D. 163½. Convocation ordered 'that if at any time the Markett end soe late that the streets thereabout bee not swept that evening, what [the scavenger] leaves then undone shall bee first done the next morning[4].'

April 5, A.D. 1636. 'Whereas there beeinge want of Shoppes in the old Butcherowe the number of Butchers being much increased Mr. Alderman Care at the request of Mr. Maior and this house intendeth to erect a buildinge at the lower end of the said Butcherowe for the makinge of six Shoppes more in such manner as it is already agreed on by Mr Maior and his brethren. And because some pśons wthout any iust Cause intend to oppose the said intended buildinge, This house doe all wth one mind agree That he shalbee defended by this Citty against all pśons that shall molest or trouble him for that Cause. And that Mr Care shall have a lease of that ground whereon the said buildinge is situated to be made for forty yeares from the ffeast of Thænnuncacon of the blessed Lady St Mary the virgin under a yearly rent of six shillings & eightpence[5].'

Who the opponents were may be learnt from the following extract[6]:—

'Memorandum that uppon some differences betwixt ye

[1] C. B. (Q. 2) 295 *b*.
[2] Ibid. 315 *b*.
[3] Ibid. 319 *a*.
[4] Act. Conv. (R. 24) 43 *a*.
[5] C. B. (Q. 3) 65 *a*.
[6] Twyne's MSS. No. 16, 124 *c*.

Towne Butchers for stalles in ye old Butcherie rowe in ye old Bayly ye Towne takinge ye matter into their Consideration did lett a lease of some more of that street where ye shambles stande there in ye old Bayly, at ye west ende thereof, to Alderman Sawyer, to ye ende y^t^ he might erect there sixe more Butchers shoppe, 3 on one side and 3 on another side, for wh. purpose ye timber worke was prepared and p^t^ thereof sett up: Whereuppon ye Vice Chancellor that then was viz. Dr Pincke Warden of Newe Coll. in ye yere of our Lord 1636 in ye moneth of Maye (at that time when ye hearinge was betwixt ye Universitie and ye Towne at Lambohythe) complayned to my Lorde's Grace of Canterbury, and Alderman Sawyer beinge p̄sent at ye hearinge, and afterwards gone hence, was presently sent for up againe to my Lorde Grace, and inhibited to proceede any further in that businesse of erecting more Butchers shoppes there: it beinge supposed that ye meaninge was to have translated all ye Butchers markett thither uppon bothe ye markett dayes, and petitions being made to and fro about it. Uppon this Mr Alderman Sawyer p̄tendinge that he ment it for ye publicke good of ye Butchers, tooke awaye ye frames againe, sayenge that he would make a Barne of them at Binsey, where he hath a farme &tc. And this was an ende of that matter.'

The fishmongers continued to give trouble, and an order was made for them to pay their rents, or be sued at law:— Sept. 27, A.D.1636.

'But those which have noe standinges under the Pentices shalbee treated with by Mr Maior and his brethren, and bee released if they think fitt of their rent of the same standinges in respect of eight shillings languable to be paid amongst them[1].'

'Whereas the butchers of this Cittie and libties thereof have of late kept open shoppe and stalls for the sale of theire flesh in sv̄all pts of this Cittie and suburbes thereof to the greate annoiance of the neigbours and Citizens and other his M^ties^ liege people resortinge unto the said Cittie, ffor redress and reformation whereof and publiq good of the Cittie It is at this Counsell ordered that all the butchers that shall sell anie flesh within the Cittie and libties thereof on anie day or tyme being noe com̄on m̄kett day shall sell the same in the old Butcherowe in the p̄ish of S. Peter's in the bayley (and) in the old Butcherowe (in) S. Martin's p̄ish onlie, and not June 10, A.D.1642.

[1] C. B. (Q. 3) 69 a.

elsewhere, (vizt) soe many of them as are or can be p̄vided in the shopps there already made, and such others as are not or can not p̄sently p̄vided for uppon stalls to be sett upp at the lower ende of the said old butcherowe,' on penalty of 40*s.* for the first, and £5 for the second offence.

Alderman Care's lease previously agreed to, was to be void, and the City was to build at its own charge 'as many shopps as convenient' in the Butcher Row[1].

A.D.1644. *See* p. 21. In 1644 Dr. Claymond's building for the Cornmarket was (as has been already noted) destroyed by the soldiers for military purposes, and in the great fire of the same year the butchers' shops in the Old Butcher Row were swept away.

Oct. 15, A.D.1645. A petition from a London fishmonger 'to the Lords and others his Majesty's Commissioners for this Citty,' complains that through envy of the other fishmongers he had been deprived by the Mayor's officers of a standing which had been assigned him 'be the Clerke of the Markett under the Vice Chancellor in the side of the way in order with the ffyshemongers,' his previous standing 'before the flower de luce[2],' which had been assigned him by a former Mayor having been destroyed by 'the late unhappy fire.' The hearing of this case is imperfectly recorded, but the minute shows that Mr. Palmer (the counsel for the City) 'opened the title of the cittie to the markett & stalling,' and showed 'that the cittie had constantly used to receive monies for stallage weekly from butchers & other persons who had stalls or pitched in the markett, and had an yearly rent of the ffyshemongers, and that the cittie had the markett by prescription, & that the cittie had a court of piepowder, which is incident to a market (as well) as a faire[3].'

Nov. 20, A.D.1646. In 1646 the Chamberlains and Serjeants were ordered 'to immediately shutt downe the shopps of all strangers and fforrainers as are not free men, and soe to keepe them shutt downe[4].'

Aug. 19, A.D.1656. In 1656, the new buildings in the Butcher Row being completed, the Council ordered that they be let at a rent of 40 marks a year in all, the several rents to be fixed by the Mayor and his brethren, and

[1] C. B. (Q. 3) 123 *a*.

[2] The 'Fleur de Lys,' formerly Baptist's or Jews' Hall, stood opposite the present Town Hall (see Ingram, vol. iii.). Boase (p. 193) thinks it the same as the 'Mermaid' or 'Swyndlestock' which appears to have stood close by, opposite to he Butter Bench on the south side of Carfax Church.

[3] C. R. (G. 11) 28.

[4] C. B. (Q. 3) 133 *b*.

in order to compel the butchers to use them the following order was made:—

'Whereas the Auncient usage in the Citty of Oxon hath beene that the Butchers in the said Citty have been p̄mitted only to keepe their shopps and stalls for the sale of Butcher's meate in the highe streete of the said Citty leadeinge from Carfax to St Marie's Church only upon Wednesdaies & Saturdaies being Markett daies, and that upon other week daies they ought to keepe their shopps and sell their meate in the place of the old Butcherowe w^h^ of late for that purpose hath beene to the greate charges of the Citty built and re-edified, And whereas by dayly experience it is found to bee p̄iudicial to the health and habitacons of the Inhabitants within the said Citty and University And to bee a greate Annoyance to all people that resort to the same that the Butchers should keepe their stalls and shopps in the said highe streete upon all the daies in the weeke, as for some ffew yeares last they have done since the old Butcherowe was destroyed by ffire.' Sept. 16.

They were now to return to the old practice and only sell in the High Street upon market 'and other dayes that shall at Any tyme bee lawfully p̄claymed to bee markett dayes,' on penalty of 20*s.* each day[1].

The next year it was ordered that 'no Bakers shall henceforth sell any bread or cakes in the market place,' except on market days, on penalty of 2*s.* 6*d.* a day[2]. March 20, A.D. 165⅘.

At the same time the previous orders about the butchers were enlarged to extend the prohibition to selling meat anywhere except 'either in or below the new erected Butcherowe, especially between it and Carfax,' 'whereby the said Butcherowe would be in a manner forestalled.' The next month a fine of 2*s.* 6*d.* was fixed for the offence of butchers who do not rent shops laying their meat on the balks of the legitimate butchers in the Row[3]. April 7, A.D. 1657.

Mr. Oram, a fishmonger, having discontinued for many months the use of his stall in the common fishmarket, was adjudged to take his place 'att the lower end of the ffisherow[4].' Feb. 25, A.D. 165⅘.

'Whereas it appeares to this house that the anncient place of the ffishmongers to sell their wett ffish on ffridayes, being the market days for ffish, hath bin allwayes heretofore used and ac- March 10.

[1] C. B. (Q. 3) 237 *a*.
[2] Ibid. 239 *b*.
[3] Ibid. 250 *a*.
[4] Ibid. 258 *a*.

customed to bee (to w^h^ the memory of man is not to the contrary) in certeine standings under the Guild hall and on certeine stalls in the streete below the said standings, the ffishmongers useing constantly to take their places according to their senioryty, the senior ffishmonger standing upmost towards the Cunditt, and the others in order one below another accordingly. And whereas it appeares that it would bee not only an occasion of much discord and disagreement amongst the ffishmongers themselves, and a wrong to all or the most p̄te of them, if any p̄ticuler p̄son or p̄sons should have and use any shopps or ffishboards for selling of wett ffish on the said daye, or sell any upon any bulke belonging to any shopp or in any other place beside the said ffishmarkett place before mentoned. And that it will bee also inconvenient and p̄iudiciall to all those that shall have occasion of tradeing or businesse about the said place by reason of the quantytye of water poured out of the ffish Tables or running from the ffish Boards, Therefore for the prevention of all such disorder, disagreement, wrong or p̄iudice for the future, it is att this Counsell agreed that no ffishmonger whatever shall after this day sell or offer to sale by himselfe, or by any other p̄son for or under him, any wett ffish whatsoever, or any ffresh Salmon (except the said ffresh Salmon be first boyled) on any stall, ffish-board, bulke, shopp or other place upon the said ffridaye morninge, and untill [or] after 12 of the clock of the same day in any streete or open place whatsoever within the Citty, but in the said ffishmarket place under, over, against, or below the Guild hall as is aforesaid, on a penalty of 5*s*. a day [1].'

July 15, A.D.1659. Hedges, a butcher, was censured for keeping a stall in the street over against the shops, in the new Butcher Row, 'to the p̄iudice and inconvenience of them that have to passe by that way[2].'

May 21, A.D.1667. Penniless Bench, 'the publique place of meeting for M^r^. Mayor and his Breathren on Sundayes,' being very ruinous and in decay, was ordered to be repaired by a voluntary subscription, and assessment on the Town Councillors[3].

A.D.1680. A memorandum in the City Archives states—

'That on Saturday the 12th day of March 1680 being the Saturday before Mid Lent Sunday (the Citty & Country Butchers being then with theire stalls in the old butcherow according to custome) Mr Vice Chancellor caused his Bellman to warne all the

[1] C. B. (Q. 3) 258 *a*.
[2] C. B. (Q. 4) 52 *a*.
[3] Ibid. 261 *a*.

s^d^ Butchers to remove theire stalls into the high streete on the Wednesday following att theire p̄ills; notice of wch being given to the Maior and Bailiffs (who are the only Lords of ye Markett) they caused the Citty Bellman on the Munday & Tuesday following wth his bell to give notice to all the s^d^ butchers not to remove theire stalls into the s^d^ high streete on Wednesday according as the Vice Chancellor had ordered them, but to continue in the old butcherow notw^thstanding the Vice Chancellor's com̄ands; yett because his Maty was then in the Citty & the Country Butchers' Stalls stoode so close together in the old butcherow as did much hinder coaches passing that way, Mr Mayor & the Bailiffe did com̄and bothe the s^d^ Citty & Country Butchers to remove theire stalls into the s^d^ high streete on the Saturday following & not before, wch order was most punctually obeyed by all p̄sons[1].'

'M^r^. Mayer acquainting this House that the Butchers of this Citie are very troublesome and will not take those shopps which are appointed them, and others will take none at all, but sell their meat at their own Houses before their doors, this House referrs the settling and manageing of this matter to M^r^. Mayor and his Brethren[2].' Jan. 13, A.D.168$\frac{4}{5}$.

M^r^. Mayer and his Brethren were desired by the Council 'to take with them y^e^ Serj^ts^. Constables and pull downe to-morrow all such stalls as shall by any Butcher be placed above the old Butcherow[3].' March 14, A.D. 168$\frac{4}{5}$.

And afterwards it was ordered 'that no meat be exposed for sale in any other place than the Butcherow,' on penalty of 5*s*[4]. Jan. 19, A.D.169$\frac{4}{5}$.

Mention is made in the Council minutes of 'the man that sells Tunbridge wares at Carfax,' who is to be suppressed as not being a freeman[5]. June 17, A.D.1695.

Repeated orders were made that the Butchers should sell no meat in their own houses or anywhere except in the Butcher Row[6]. The following series of Orders seems to point to some quarrel between the City and University, the orders being made at the request of the Butchers themselves, 'That the Serj^ts^. of this City shall be defended at the Chardge of this City against all Accons and suits that shall be brought against them or any of them for anything that they shall doe aboute placeing the markett by the direccon of M^r^. Mayor (and) Bayliffe of the said City[7].' Jan. 31, A.D.169$\frac{4}{5}$. Nov. 20, A.D.1702.

[1] C. R. (G. 11) 109.
[2] C. B. (Q. 4) 258 *b*.
[3] Ibid. 280 *b*.
[4] Ibid. 294 *b*.
[5] Ibid. 325 *a*.
[6] Ibid. 335 *b*.
[7] C. B. (Q. 5) 29 *a*.

Dec. 15. 'Mr. Mayor is desiered by such means as Councell shall advize to oblige all the Butchers on the week days to sell their meate in the old Butcherrow in the Shopps there and not Elsewhere, provided the Charge of such advisemt and the p̄ceed thereof be susteyned by the Butchers[1].'

May 3, A.D.1703. This prohibition was afterwards repeated and amplified, that no Butchers 'shall at any time hereafter during the time of Lent' sell meat at his own house or anywhere except in the Butcher Row, and that no one should sell 'on Wednesdays and Saturdays (except in time of Lent)' elsewhere than 'in the south side of the High Street between the Conduct and St. Mary's Church,' on fine of 10s. for each offence[2].

Aug. 2. 'The Butchers having given security by bond to save the City harmless from any charge that may happen by reason of their putting into execuc̄on the Act of Councell made at thair request the 3 of May last, it is agreed that they shall from time to time have the City seale sett to a warrt to the same effect with the draft now read in this house for leaving the penalltyes of the sd Act as often as they shall have occasion for the same without being read in this House[3].'

Sept. 6. The Act, however, at the request of the Butchers, was 'only to extend to those that sell these sorts of meat folls. vizt. Beefe, Mutton, Veale, Lamb, or Porke[4].'

Nov. 7, A.D.1698. Meanwhile 'the order made in 24th year of Elizabeth about the fishmongers standing under the hall[5]' was confirmed, and the standings re-arranged according to seniority, and a similar re-arrangement was

March 31, A.D.1699. made the next year[6].

Dec. 11, A.D.1704. John Smith was allowed to enjoy a shop in the old Butcher Row 'on payment of £20 before S. Thomas' day next[7].'

Sept. 15, A.D. 1710. 'It is agreed that the Deed or writing now openly read in this house touching of the laying of the house and backside lately purchased by Mr. Charles Harris, of Fames, ffifield to the Markett place of this City as an Adition to the markett place of this City and demollishing the same shall be entered into the Leiger Book of the said City, and sealed with the City seale. And that as a greatefull remembrance of this soe seasonable a kindeness his free and generous guift thereof shall be entered in the Books among the rest of the Benefactions formerly given to this City[8].'

[1] C. B. (Q. 5) 29 *b*.
[2] Ibid. 32 *a*.
[3] Ibid. 34 *b*.
[4] Ibid. 36 *a*.
[5] C. B. (Q. 4) 373 *b*.
[6] Ibid. 376 *b*.
[7] C. B. (Q. 5) 43 *a*.
[8] Ibid. 110 *a*.

'Mr. Charles Harris, who has been a principale benefacter towards the Inlargeing and beautifyeing the Markett place, haveing been informed that the City agreemt was to demollish the old pyazza under the East End of Carfax Church called pennyless bench or pay twenty pound in Lieue thereof, came into the house and did of his further generous disposition propose rather then the said bench should be demollished to lay down and lend the said City the said sume of Twenty pounds for one yeare gratis, which this house readyly accepted and did returne him thanks for the same, and doe agree that the same bench shall continue as now it is, saveing that the Inclosure of the two ends thereof shall be pulled down and left oppen. This twenty pounds was paid to Mr. H. Peisley (in) pursuance to the Articles in Lieue of the bench[1].' Oct. 27, A.D. 1711.

'The gentn. that were appointed to take care of the building and Inlarging of the Market place brought in their Accounts of their receipts and disbursemts in that affair, and it appearing thereby that they were constreyned to borrow 100*l.* towards the ffinishing the same, It is therefore agreed that as well the said 100*l*, as all other difficiences shall be made good out of the City Treasure, and that for that purpose 100*l.* shall be taken up on the City scale[2].' Sept. 25, A.D. 1713.

Mr. Padbury to remove to the next shop in Butcher Row in seniority 'according to the antient custome of the sd Butcherowe[3].' May 17, A.D. 1717

'It having been represented to this House by Mr. Mayer that the old Butcherow is now very ruinous and much out of repair, and that there is a necessity for repairing the roof thereof, an estimate was ordered to be made[4].' March 4, A.D. 172⅞.

'Several encroachments having been made in the old Butcherow by several Butchers in opening Shopps on Both sides the Way over against the Butcherow Contrary to the Express Orders and Baylaws of this City, as well as to the p'judice and hinderance of letting Shopps therein, the offenders were ordered to attend next Council or be proceeded against[5].' April 12, A.D. 1728.

The Butchers having complained of 'several irregularities in relation to their standings and shops in the old Butcherow,' a committee was appointed to examine records[6]. Dec. 8, A.D. 1735.

[1] C. B. (Q. 5) 123 *b*.
[2] Ibid. 140 *b*.
[3] Ibid. 175 *b*.
[4] Ibid. 264 *b*.
[5] Ibid. 282 *a*.
[6] Ibid. 362 *a*.

Nov. 19, A.D. 1750. 'Ordered that the seats in the Butter Bench (being found to be a great Nusance) be forthwith removed and taken down[1].'

March 1, A.D. 1756. 'Whereas there is a practice of exposing Butcher's flesh to sale on such days as are not Market days in and before Houses and Shops not set apart for that Purpose Situate in the most frequented parts of this City, which practice is contrary to the Antient Custom and Usuage, and is likely to continue and increase to the great Annoyance of the Inhabitants of this City and of other persons resorting thereto if not timely prevented. It is therefore Ordered that no Butcher who is a Freeman of this City shall at any time or times after the twenty-fifth day of April next 1756 (except on Market days) publickly expose to sale any Butcher's flesh in the High Street or Cornmarket, or in the street leading from Carfax Conduit to the South Gate of this City, commonly called ffish Street,' on a penalty of 5*s*[2]. This Order was repeated a year later, with the preface 'Whereas there is and time out of mind hath been a certain known proper and convenient place or street within this City called or known by the name of the old Butcher Row for the vending and exposing to sale all sorts of Butcher's meat on days not being the Market days of the said City[3].'

June 3, A.D. 1757.

The entries concerning the old Butcher Row and the Butter Bench may be completed here, though they somewhat overlap the establishment of the new Market.

Nov. 8, A.D. 1773. 'Mr. Mayor reported that the Scite of the old Butcherow was sold to the Commissioners of the Paving Act for £200, and that the Materials is sold for £93 10*s*. which this House consents to and approves.'

At the same council an order was made, to be signed by the Mayor and Vice-Chancellor, prohibiting the sale of goods on Sunday[4].

June 4, A.D. 1784. 'The City Pound at Paradice' was ordered to be taken down[5].

Oct. 16, A.D. 1786. Ordered, that the Butter Bench 'be inclosed with a dwarf wall and iron Pallisadoes, five feet high at one end, and seven feet at the other on a Plinth[6].'

April 2, A.D. 1787. Ordered that the Butter Bench be whitewashed, painted, and paved[7].

With the Butcher Row, Butter Bench (and Penniless Bench), passed away the last vestiges of the old Oxford markets, though the names

[1] C. R. (Q. 6) 91 *a*.
[2] Ibid. 153 *a*.
[3] Ibid. 166 *b*.
[4] Ibid. 495.
[5] Ibid. 661.
[6] Ibid. 711.
[7] Ibid. 720.

continued long afterwards, even to present memory. I find no record of the cessation of the fishmarket in which is now St. Aldate's Street, nor of the butchers' market in High Street: probably both of them lingered on till the establishment of the new Market.

All the Markets, 'except the present Markets for corn, pigs, and butter,' were, by an Act of Parliament made in this year, and described on p. 91, concentrated into 'the plot or piece of ground between the High Street and the lane called Jesus College Lane,' whereon the Market now stands. No meat, fish, poultry, or garden stuff, were to be sold elsewhere under penalty of £5, but fishmongers and poulterers might sell in their own shops or houses. [Butter, eggs, and homegrown fruit were brought into the Market ten years later.] The same Act provided for the removal of the East and North Gates, the widening of the principal streets, and the removal of the shambles in the middle of Butcher Row. A.D. 1771.

The site of the new Market and the buildings thereon were purchased for £3084 16*s.* 0*d.* Towards this the sale of the frontage towards High Street, on which four houses and shops were built, and out of which the three Avenues or Entrances (now numbered 2, 3, and 4) from the High Street to the Market were reserved, provided £750. The building of the Market, which originally contained forty-eight shops, cost £3842 10*s.* 0*d.*[1]. A.D. 1772–4.

The Market has been enlarged to its present dimensions at various subsequent dates, but it has no history needing record here.

[1] These figures are supplied by the kindness of Mr. Gardiner, the Market Bailiff.

III. THE ASSISE OF VICTUALS, LICENSES, AND THE CLERKSHIP OF THE MARKET.

THE Assise (Norm.-Fr. 'assaye') of bread, &c., as the Assise of Weights and Measures, strictly includes only the assay or testing of the quantity and quality of the several articles that are assayed. But closely connected with, and naturally subsidiary to, this would seem to be the duty of framing regulations concerning such quantity and quality, and also the power of enforcing obedience to the regulations by fine, forfeit, or other punishment. Distinct from these duties and powers, but obviously in close connection with them is the right to order the time, place, and manner of the sale of the articles, the exaction of tolls and rents for payment of expenses connected with the assise, in fine, the ordinance of all such regulations as belong to a public Market; in one word, the Clerkship of the Market. This office is described by Blackstone as follows:—

> 'The Court of the Clerk of the Market is incident to every fair and market in the kingdom to punish misdemeanours therein. The object of this jurisdiction is principally the recognizance of weights and measures, to try whether they be of the true standard thereof or no, which standard was antiently committed to the custody of the Bishop, who appointed some clerk under him to inspect the abuse of them more narrowly: and hence this officer, though usually a layman, is called the *clerk* of the market. If they be not according to the standard, then, beside the punishment of the party by fine, the weights and measures themselves ought to be burnt. This is the most inferior court of criminal jurisdiction in the kingdom, and its functions' (Stephens adds) 'as regards weights and measures seem in great measure to be now superseded by the provisions of 5 & 6 Will. iv, c. 63, which appoints Inspectors of Weights and Measures[1].'

The Assise therefore of vendibles and the Clerkship of the Market (which carries with it the Assise of weights and measures) are distinct from one another, but yet they have such a natural tendency to run into each other, that they seem, in many of the passages which will hereafter be quoted, to be viewed as naturally inseparable, though in other passages the distinction is sufficiently marked. Again, the

[1] Stephens' Blackst. iv. 388.

Assise of 'bread, beer, and wine,' appears sometimes as separate from, and sometimes as identical with, the Assise of other vendibles. When the town was deprived of the Clerkship of the Market, and the Assise of bread, beer, and wine, they still claimed, and in many instances exercised, the rights of issuing licences to vintners and alehouse keepers [1], of regulating the stands of butchers, fishmongers, and other tradesmen, of setting prices, of exacting rents and tolls, and the like. All these matters were a constant source of dispute between the University and the Town, and sometimes the Town was driven, in the assertion of its privileges, to claim the whole right of Assise, and even the Clerkship of the Market, a claim however which they do not seem ever to have seriously maintained. Moreover the disputes connected with market privileges between the two bodies were so entangled with other differences, that it is impossible to separate them satisfactorily, and specify the exact claims of either disputant, each of whom seems to have been conscious of the difficulty of proving exclusive rights.

On the whole, it seems probable that, in the earliest days when the Assise of all vendibles was in the hands, first of the king's direct representatives, and then of the Town, the Assise and Clerkship of the Market were synonymous [2], and I cannot find that any distinct Clerk of the Market was ever appointed by the Mayor and Bailiffs, who probably exercised the office conjointly. Afterwards, when the specified Assises of weights and measures, and of bread, beer, and wine, as well as the Clerkship of the Market, were assigned to the University, the regulation of the sale of other marketable articles as meat, fish, hay, straw, fagots, cloth, wool, &c., became fair matters of dispute, as to whether they were included in the University privileges; and in peaceable times each body seems to have been content to wink at the encroachments of the other, each being however ready to seize any opportunity which it thought favourable for the assertion of its own claims.

It need hardly be added that in modern times the whole system has been reformed and placed under joint University, Municipal, and Police Regulations, and the so-called Clerks of the Market consequently limited to much narrower and humbler, but yet not entirely unserviceable, duties.

[1] The right of licensing alehouses was claimed by the Town under a general statute of 5 & 6 Edw. VI, which contained no reservation of the privileges of the University. Boase, p. 146. But see Ayliffe ii. 209.

[2] As they are treated throughout in the Index to Antony Wood's Ann. of the Univ.

There is no mention of the University having any rights whatever
A.D. 1214. in the Assise or Market regulations until the year when Bishop Nicolas of Tusculum, the Pope's Legate (in withdrawing an interdict laid upon the Town of Oxford for hanging three clerks five years previously), made the following conditions among others:—

> 'Jurabitis etiam, quod victualia, et alia [Scholaribus, the word is of doubtful authenticity] necessaria justo et rationabili pretio vendetis, et ab aliis vendi fideliter procurabitis, et quod in fraudem hujus provisionis graves non facietis constitutiones vel onerosas, per quas conditio clericorum deterioretur[1].'

In the Town's submission to Bishop Nicolas, they promise, 'Item Ballivi, qui pro tempore fuerint sub Propositis constituti de quindena in quindenam ad Assisam Villæ custodiendam, jurabunt, quod Assisam de victualibus in autentico domini Legati contentam fideliter observabunt;' from whence it would appear that a fortnightly Assise was held by the Town Bailiffs.

A.D. 1266. It is probably to the above condition imposed upon the Town, that Cardinal Otho or Otto, a succeeding Legate, referred, when he mentioned among the privileges previously granted to the University 'exceptiones in victualibus vendendis[2].'

A.D. 1254. The following extracts are from Henry III's Charter to the Town:—

> 'Pistores et Brasiatores Oxon in 1mo transgressu suo non puniantur, in secundo amittant Panem, et in tertio habeant judicium de Pillario. Quilibet Pistor habeat sigillum suum, et signet Panem suum, per quod possit cognosci cujus Panis sit. Quicunque de villa Oxon brasiaverit ad vendendum, exponet signum suum, alioquin amittat Cerevisiam. Vina Oxon. communiter vendantur indifferenter tam Clericis quam Laicis ex quo imbrochiata fuerint.'
>
> 'Nullus etiam regratarius emat victualia in villâ Oxoniæ vel extra versus villam venientia, nec aliquid emat, nec iterum vendat ante horam nonam, et, si fecerit, amercietur et rem emptam amittat. Temptatio panis fiat bis in anno, videlicet in quindena post Festum Sancti Michaelis et circa Festum Sanctæ Mariæ in Martio, et Assisa cerevisiæ fiat eisdem terminis, secundum valorem bladi et brasii, et quotiescunque debeat fieri temptatio panis et cerevisiæ, intersit cancellarius prædictæ Universitatis, vel aliqui ex parte sua ad hoc deputati si super hoc requisiti interesse voluerint.

[1] Anst. Mun. Ac. i. p. 2. [2] Ibid. i. 31.

Quod [illegible] temptatio praedicta.[1]

The University therefore [illegible] June 2[illegible] A.D. 1[illegible]

[illegible]

In the City Archives [illegible] A.D. [illegible]

The King [illegible] A.D. [illegible]

[illegible] A.D. [illegible]

Shortly after [illegible] A.D. [illegible]

[illegible]

[1] [illegible]

[2] [illegible]

[3] [illegible]

et q[d] pœna eisdem pro commisso eis imposita et infligenda usque ad proximum pāliamtum nostrum differatur et forisfacturæ per empc̄ones Regratariorum et foristallatorum contra libertates dictæ Uñitat. factæ per communes Servientes Uñitatis et Villæ prædictæ vel alterum ipsorum, per quem hujusmodi forisfacturas prius inveniri contigerit capiantur per visum utriusque eorum usque ad Hospitalem nostrum Sancti Johannis usque ad portam Orientalem ibidem continuo deferendæ, et pauperibus et infirmis ibidem distribuendæ, ita quod neutri Vestram aliquid accrescat. Et quod alia Vos et ipsos racone discordiarum et controversiarum qualitercunque contingentia in Statu quo nunc sunt remaneant, quousque de consilio nostro aliud inde duxerimus providendum, Vobis interim mandantes, quod erga præfatos Majorem et Burgenses et alios Villæ prædictæ in eis, quæ ad pacis nostræ conservacōnem ibidem pertinent, taliter vos geratis, quod de Vobis justam materiam non habeant conquerendi. Et hoc idem iisdem plane scripsimus et expresse. Teste meipso apud Eborac: x[o] die Januarii, A[o] Regni ñri 12[o] [1].'

The burgesses soon complained that the Chancellor appropriated to himself the victuals and fines forfeited by regrators and forestallers, and in 1290 Parliament decided, without mentioning the fines, that
A.D.1290. all such forfeited victuals shall be given to St. John's Hospital, and a similar decision was given, but including fines as well as forfeits, for the sale of bad meat and fish [2].

Ayliffe adds that 'now the Chancellor & Scholars, as well as the Mayor (who before had the sole authority) had the power granted to them .... of the Assise of Victuals, & also the Power of determining about weights and measures [3].'

But a letter of the King, dated March 16, 130¾, only commands
March 16, A.D.130¾. 'that no proceedings in such cases should be without the knowledge of the Chancellor or his Deputies [4].'

A.D. 1314. These orders were confirmed by Edward the II and Edward the
A.D. 1328[6]. III at the different dates set out in the margin [5].
June 20, A.D. 1338[7].

[1] Partly from a printed copy in Wood's Ann. i. 317, and partly from an imperfect MS. copy in Wood's Collect. Bodl. F. 27. (This is wrongly catalogued as belonging to Edward II's reign.)

[2] The presentation of the bad fish and meat to the Hospital has some humour in it. Anst. Mun. Ac. i. 49. 51.

[3] Ayliffe i. 85.

[4] Wood's Ann. i. 368.

[5] Ayliffe i. 103.

[6] Wood's Ant. i. 388; Ann. i. 420.

[7] Wood at this latter date says, 'and for the present it was concluded to the content of both parties, and so from henceforward the Chancellor and Mayor had jointly the said custody, that is, the Clerkship of the Market.' Ann. i. 435.

[What these regrators and forestallers were may be gathered as well from the City Charter already quoted, as from a later document (about A.D. 1356) which defines them at length, and is worth quoting:— 'Quod nullus forestallarius in villa patiatur commorari, qui pauperum est depressor, et totius communitatis et patriæ publicus inimicus, qui bladum, pisces, allec, vel res quascunque venales per terram vel per aquam venientes, quandoque per terram quandoque per aquam obviando præ ceteris festinat, lucrum sitiens vitiosum, unde pauperes opprimentur, ditiores decipientur, et qui sic minus juste illo, qui eas apportaverat, multo carius vendere machinatur, qui mercatores extraneos cum rebus venalibus venientes circumvenit, offerens se venditioni rerum suarum et suggerens eis quod bona sua carius vendere poterunt quam vendere proponebant, et sic arte vel ingenio villam seducit et patriam[1].' A very similar definition is given at a later date (March 20, A.D. $14\frac{2}{10}$) in a complaint laid by the College stewards and manciples before the Chancellor of certain 'forestallarii et regratores' of eels and other river fish[2].

Ayliffe says that in the Civil Law these illegitimate regrators 'are called Dardanarii from one Dardanus the Author of this Offence[3].' The word appears originally to have had a perfectly innocent meaning, which it kept for some time side by side with its bad sense. It meant 'such as bought by the great and sold by the retail,' though afterwards it designated 'him that buyeth and selleth any wares or victuals in the same market or fair or within four or five miles thereof.' In 1278 a composition was made between the University and Town to allow thirty-one regrators in the town and suburbs. At least, Wood is probably right in reading 'regrators' in this composition[4], and not 'regents,' as is shown by subsequent entries in 1504 and 1310[5], when complaints were made by the University to the King of the increase of the number of regrators to above 100[6].]

Whether it was in consequence of the decision in 1290 depriving the Town of the sole authority of assise, &c., or not cannot be said, A.D.1295. but for some reason or other the Town refused to pay their feefarm rent to the Crown, and consequently, about 1295, 'King Edward the 1st did seize upon the Clerkship of the Mercat,' &c. (as has been quoted already in the description of the topography of the Market, p. 13).

That the market tolls at this time belonged to the Town is shown

[1] Anst. Mun. Ac. i. 184. [2] Ib. ii. 590. [3] Ayl. i. 78.
[4] Wood, Antiq. i. 367, 369, 375. Ib. Ann. i. 309. [5] Ib. Ann. i. 375.
[6] There is a very large and exhaustive collection of papers connected with the history of the Oxford Regrators in Twyne's MSS. No. 16. 156 *et seqq.*

by extracts from writs of Edward the III's time contained in a case drawn up for the Town in Charles the II's time, and preserved in the City Archives, which also set forth some of the rents paid. 'Majores Ballivi et Burgenses Villæ a Tempore quo memoria non exsistit semper hucusque habere consueverunt de quolibet pistore firmante panem ad vendendum in eadem Villa et occupante plateam cum Corbello pro platea illa unum denarium qualibet Septimana per Ann. Iidem Ballivi et Burgenses, &c. . . . . de quolibet Piscenario Tabilam in Regia Strata Villæ prædictæ habente et tenente pro Pisce suo ibidem vendendo 4^{s}. 4^{d}. et unum Obolum.'

And in an Assise 26 Edw. III the Jury being demanded 'in quibus proficuis firme (sic) villæ consistit dicunt quod consistit in proficuis Subscriptis, videlicet, in medietate proficui provenient(is) de Molendino Castri Oxon, in quadam Custumia data pro Stallagio Pistenariorum Carnificum Cocorum Corbellorum Carnificum et ffenestris [1] regratorum et Solebat provenire de emendis [2] (a marginal note is 'soe this specially referred to ye city, tho ye Clerksp of ye Markett is granted to ye University') Assisæ panis et Cerevisiæ factæ et adhuc deberet, et de Redditu domorum per Civitatem et in theolonio pro omnibus rebus venabilibus ad dictam Villam venientibus, et de una Custuma quæ vocatur Thornhiot (?).'

'There is also a Roll de Consuetudinibus Muragii writt about E. 3 time which fully proves that the Towne had Tolls of Grayn Stallage [3].'

The following document refers to the regulation of such sellers in the Market, as did not belong to the Town Guild:—

A.D.1319. 'Ne Maior et Burgenses seu Regratarij sese cum Mercatoribus extraneis commisceant in venditione seu emptione victualium, ad damnum scholarium, sed, quod eisdem Mercatoribus extraneis assignetur locus idoneus per visum Cancellarij ad victualia sua per se vendenda.

Rex Maiori et Balliuis Oxoñ. salutem. monstrauerunt nobis Magistri et Scholares Vniuersitatis Oxoñ. per petitionem suam coram nobis et consilio in instanti parliamento nostro apud Eboracum conuocato exhibitam; quod Burgenses et Regratarij villæ prædictæ mercatoribus et alijs hominibus extraneis victualia et alia necessaria versus eandem villam pro sustentatione prædictorum magistrorum et scholarium ad vendendum ducentibus,

[1] Did the licensed Regrators (see p. 49) rent windows in the city wall in order to watch the approach of foreign traders, fishermen from the river, etc.?

[2] emendis, 'fines.' Ducange.

[3] C. R. Wright's Coll. (P. 22) 28.

antequam dicti mercatores et homines ad prædictam villam veniant cum bonis et victualibus prædictis per manus suas proprias vendendis, obuiant in diuersis locis extra villam prædictam, et bona et victualia prædicta emunt et foristallant. Ac etiam, cùm dicti mercatores et homines extranei cum huiusmodi bonis et victualibus vendendis ad prædictam villam venerint, præfati Burgenses et Foristallarij, cum ipsis commiscent et communicant in venditione bonorum et victualium illorum, quo minùs dicti magistri et scholares prædicta bona et victualia a præfatis mercatoribus et hominibus extraneis emere possint absque foristallamento, in ipsorum magistrorum et scholarium ac aliorum ibidem degentium damnum non modicum et grauamen, super quo dicti magistri et scholares a nobis petierunt sibi de remedio prouideri.

Nolentes igitur, quod præfati magistri et scholares, quo minus ipsi huiusmodi bona et victualia de huiusmodi mercatoribus et hominibus extraneis, bona et victualia per manus suas proprias vendentibus libere et absque foristallamento emere possint, aliqualiter impediantur, vobis mandamus, quod de assensu Cancellarij Vniuersitatis prædictæ, aliquem certum et separatum locum ab intrinsecis in villa prædicta vbi extranei et forinseci mercatores huiusmodi victualia ibidem ducentes per manus proprias vendere valeant, assignetis. Et etiam in prædicta villa publicè proclamari faciatis, et ex parte nostra districtiùs inhiberi, nè aliqui Burgenses seu Regratarij de villa illa, vel alij bona seu victualia de huiusmodi extraneis et forinsecis mercatoribus antequàm ad locum prædictum cum bonis et victualibus prædictis venerint emere presumant; nec se prædictis mercatoribus in loco prædicto, in emptione bonorum et victualium prædictorum immisceant, quo minùs tam clerici quam laici in villa prædicta commorantes bona et victualia necessaria pro sustentatione sua liberè emere possint et absque forisstallamento, sub poena amissionis victualium eorundem. T. meipso apud Eboracum. 28. die Maij, anno regni nostri 12°.

per petitionem de Consilio.

Ex Rotulo Clauso de anno 12° Regis Edwardi 2i m. 6.
In Turri Lund[1].'

The Town was naturally exasperated at being deprived of the Lordship of the Market by the Crown, and from the beginning of the 14th century the joint right of Assise was a constant source of bitter dispute. Ayliffe says, 'Whereas K. Edw. ii had before in a Charter

[1] Twyne's MSS. 16. 4.

of his join'd the Chancellor and Mayor together absolutely in the custody of the Assize (as aforesaid) Edw. iii now joined them together conditionally herein: for upon the Mayor's Non-Compliance herewith the Chancellor alone was to have the custody of the said Assize[1].'

Dec. 20, A.D. 1330 and Oct. 16, A.D. 1331. The King by two letters of these dates ordered that 'Wine should not be sold dearer in Oxford and the Suburbs thereof than in the City of London, unless it be a half penny in every quart.' And the next year issued a Commission to enquire into and redress 'the unusual

A.D. 1332. and uneven selling of Wine and victuals in Oxon by the Baillives and others[2].'

A.D. 1348. In 1348 an agreement was come to between the two bodies to hold joint Assise of Weights and Measures 'outre l'assaie et l'assise de pain et de cervoise, queux al dit Chancellier et Universite et au Mair fuist graunte par aunciene privilege[3].' This naturally did not advance matters much, though the King embodied and amplified it in an

A.D. 1349. ordinance dated Dec. 26th of the following year, 'missa Cancellario et Majori Oxoniæ exequenda per eos conjunctim et divisim[4].' Moreover, the compromise, such as it was, was brought to a speedy end by

Feb. 10, A.D. 1354. June 27, A.D. 1355. the massacre of S. Scholastica's day, which brought the Town into such disgrace that a new Charter was issued to the University containing the following privileges:—

'Ordinamus et concedimus . . . quod Cancellarius ipsius Universitatis et successores sui, et eorum vices gerentes, soli et in solidum, et in perpetuum, in Villa Oxon et suburbiis ejusdem habeant custodiam Assizæ panis vini et cervisiæ, ac correctionem et punitionem ejusdem, cum finibus amerciamentis et proficuis aliis provenientibus in hac parte, reddendo nobis et heredibus nostris centum solidos annuatim, viz. 50 sol. ad scaccariam nostram Mich. et 50 sol. ad scaccariam nostram Paschæ. Concedimus etiam quod Cancellarius solus et in solidum ac successores sui &c. habeant custodiam Assizæ et Assaiæ, necnon supervisum mensurarum et ponderum in dicta villa Oxon. ac suburbiis ejusdem; ita quod ipsi Cancellarius, vel ejus vices gerens, quoties opus fuerit, dicta mensuras et pondera supervideat, et ea quæ falsa invenerit, comburi et destrui faciat, necnon transgressores, quos in hac parte invenerit, debite puniet et castiget; ita tamen, quod forisfacturæ, et alia proficua inde provenientia liberentur, per extractas per dictum Cancellarium faciendas, Majori et Ballivis dictæ villæ, levandas per eos in auxilium firmæ suæ villæ prædictæ, sicut et prout hactenus est obtentum. Item concedimus eidem Universitati,

[1] Ayliffe i. 110.
[2] Anst. Mun. Ac. i. 161.
[3] Wood, Ann. i. 422, 423.
[4] Ibid. ii. 787.

quod Cancellarius qui nunc est, et successores sui, vel eorum vices gerentes in perpetuum, soli et in solidum habeant potestatem inquirendi et cognoscendi de Forstallatoribus et Regratariis, Carnibus et Piscibus putidis vitiosis et aliis incompetentibus, in dicta Villa Oxon. et suburbiis ejusdem, et super his punitionem debitam faciendi; sic tamen quod forisfacturæ et amerciamenta inde provenientia per ipsum Cancellarium adjudicentur, et Hospitali nostro sancti Johannis dictæ villæ liberentur, prout est fieri consuetum. Et licet Major, Ballivi, Aldermanni, seu alii homines dictæ villæ et suburbiorum ejusdem de præmissis non debeant se intromittere, volumus tamen et mandamus, quod super his omnibus et singulis Cancellario dictæ Universitatis, qui pro tempore fuerit, pareant humiliter et intendant[1].'

Henceforth, therefore, the sole right of Assise of bread, beer, and wine, as well as of weights and measures, was to belong to the University, but the fines and forfeits to the Town, in aid of their feefarm rent. The dispute, therefore, for some time was internal to the University, concerning the appropriation of the fines, &c. For in the very next year the King ordered 'cum privilegia de Assisa panis, vini, et cerevisiæ, ac mensurarum et ponderum, seu aliis in novis cartis domini Regis Edvardi tertii contentis sint Cancellario Universitatis concessa,' that 100^s shall be deducted for the King's share (as in the Charter just quoted), and the remainder should be divided equally between the Chancellor and the University[2]. A.D.1356.

In the same year the University, relying doubtless upon the 'in suburbiis' of the Charter, successfully maintained against Richard d'Amory, holder in feefarm from the Crown of the Hundred outside the North Gate, the right of Assise of bread, wine, and beer within that Hundred, and the Chancellor was to give the forfeited victuals to S. John's Hospital, but have all fines arising from the assay of weights and measures, except in sales of wool[3].

In 1372 the King renewed his grant to the University 'for the correction of Victuals, Weights & Measures[4].' It is not clear whether 'Victuals' here includes more than what had been mentioned before, but it looks somewhat as if the 'correction' of all marketable articles was passing into the hands of the University. Wood mentions, without specifying, disorders at this time, both in University and Town, arising from the extortions of forestallers and regrators. Shortly after, however, the University received a slight check. They claimed Assise Nov. 4, A.D.1372. A.D.1380. A.D.1382.

[1] Ayliffe ii. App. xxviii.
[2] Ibid. i. 173.
[3] Anst. Mun. Ac. i. 187.
[4] Wood's Ann. i. 486.

of certain vendibles at the Frideswide fair, but the Canons complained to the King, and the claim was disallowed [1].

The 100s mentioned in Edward's Charter was no doubt the sum
A.D. 1401. paid to the Crown in pre-Norman times. It was remitted by Henry IV to the University, on condition of paying 1d at Michaelmas to the Exchequer, and by it assigned in part payment of a Chaplain to the new Library, who was to say mass for the King's soul [2]. In the
A.D. 1412. appointment of the Chaplain it is described as 'centum solidi assisæ panis et cerevisiæ, quos illustrissimus Princeps Henricus quartus Universitati suæ in memoriale perpetuum contulit generose [3].'

Twyne's account of this is as follows:—

> 'Ex priuilegijs bonæ memoriæ Edwi. 3i. quondam Regis Angliæ et Regis Henrici 4i conceditur Cancellario Oxon. et ipsius successoribus quod ipse solus et in solidum in perpetuum in villa et in suburbijs eiusdem habeat custodiam assisæ panis et vini et ceruisiæ ac correctionem et punitionem eiusdem cum finibus, amerciamentis et proficuis alijs prouenientibus in hac parte. Ita ut quolibet anno soluat Cancellarius sacerdoti Vniuersitatis centum solidos de totali summa assisæ totius anni scilicet, 7 nobilia et xld post festum Michaelis et 7 nobilia et xld post festum paschæ. Item soluere tenetur Cancellarius vnum denarium domino Regi per manus Balliuorum Oxoñ. quolibet anno ad festum Michaelis quando Balliui petunt denarium a Cancellario in recognitionem quod Cancellarius habet assisam ex dono Domini Regis [4].'

A.D. 1411. In an Ordinance of the University dated 1411 the Assise of bread and beer was committed (it does not appear whether for the first time)
A.D. 1426. to the sole charge of the Proctors, but in a later ordinance it is omitted from a similar list of the Proctors' duties [5].

A.D. 1428. In 1428 the University took much higher ground than ever before, for the Chancellor summoned before Convocation the Mayor, Aldermen, and Bailiffs, and severely censured them 'for wresting from common victuallers certain vendibles to the prejudice of the King's University, damage of the public market, unjust detriment of the community of Students, and against the due course of conscience [6].' The townsmen were very restive under this treatment, but the University remained firm, and discommoned an Alderman, the Bailiffs, and the Recorder. An attempt was also made to deprive the Town of the

[1] Wood's Ann. i. 501. [2] Ibid. i. 538. [3] Anst. Mun. Ac. i. 262, ii. 457.
[4] Twyne's MSS. 16. 112 *b*. [5] Anst. i. 259, 281.
[6] There is a large collection of papers on this quarrel in Twyne's MSS. 16. 47 *et seqq.* but too long and intricate for insertion here.

stallage, which it claimed as part of its feefarm. The next year peace was made by the King's justices at their coming to Oxford about the feast of S. Margaret[1]. July 10, A.D.1429.

The following account of this transaction is taken from Twyne:—

'Liber Epistolarum Vniuersitatis F *in Archiuis* p. 12. Memorandum quod anno Domini 1428. In plena et solenni conuocatione Regentium et non Regentium Vniuersitatis Oxoñ, in domo congregationis prout moris est celebrat. vocati Thomas Couentre Maior villæ Oxoñ, Willelmus Offord, Willelmus Heberfeld, Aldermanni, Willelmus Frankelyn Balliuus, Nicholaus Norton Recordator, Willelmus Gold Smyth, Hugo Benet et alij Burgenses dictæ villæ coram magistro Thoma Chace, S. Theol. professore, Cancellario Vniuersitatis prædictæ et in præsentia dictæ solennis conuocationis ac in præsentia nobilium filiorum Dominorum Thomæ Bourchier et Magistri Thomæ Pole et Willelmi Scrope inibi existentium per prædictum Cancellarium sub forma interrogationis piæ interrogati ex hoc quod tollenagia quin verius extorsiones à communibus victualarijs siuè à vendentibus victualia, puta, ostrea, oua, cuniculos, columbellas, extorquendo exigebant in præiudicium Regiæ Vniuersitatis in communis fori dispendium in communitatis studentium iniquum detrimentum et contra cursum conscientiæ regularis dixerunt palam et publicè tunc ibidem quod nec ipsi nec eorum vnus aut aliquis alius per eos seu eorum nomine talia exigebant vel existat nec etiam per antea in quantum eis constabat per aliquem erant exacta[2].'

The cost of the quarrel to the University is also given by Twyne as follows:—

'Computus ipsius Cancellarij Magistri Thomæ Chace, in quo compertum est, Vniuersitatem ratione prosecutionis istarum causarum contra oppidanos ei tunc debuisse 48li. 13s. 8d. ob. &c. factus est iste computus vltimo Septembris anno Domini 1430. in alio computo ibidem facto vltimo Januarij anno Domino 1429, compertum erat Vniuersitatem tunc teneri Thomæ Chace in 52l sterling xjs et xjd.[3].'

A woman was suspended for ever 'ab arte pandoxandi quod nollet pandoxare ad vendendum cerevisiam plebi domini regis in villâ Oxoniæ[4].' Aug. 22, A.D.1439.

At the same date a baker was summoned before the Chancellor for light weight, and, not appearing, was banished for ever from the precincts of the University, and publicly proclaimed 'apud quadrivium in publico mercatu,' i. e. at Carfax[5].

[1] Wood, Ann. i. 573. [2] Twyne's MSS. 16. 113. [3] Ibid.
[4] Anst. ii. 523. [5] Ibid. ii. 517.

Feb. 25, A.D.1444. The taverners of Oxford appeared before the Chancellor and took oath 'ut salubriter pandoxarent, ita quod aquam tamdiu coquerent super ignem quamdiu emitteret spumam, et quod mundarent spumam ab aqua, et quod facerent cerevisiam novam post mundificationem stare tempore sufficiente in quo fæces cerevisiæ descendere ad fundum vasorum[1],' &c.

A.D.1445. An entry in the Chancellor's Book of 1445:—'Quod Cancellarius Oxoniæ habet per privilegium Regis Angliæ concessa sibi, et, in ejus absentia, Commissario suo generali, omnia amerciamenta panis, vini, et cerevisiæ et forisfacturam eorundem,' subject to the payment of the 100s. and two other small sums[2].

A.D.1445. In 1445 a butcher was convicted of selling bad meat, and fined and imprisoned by the Chancellor. This is the first mention I find of any power of imprisonment, for which no authority is quoted[3].

March 21, A.D.1444. In the next year another baker was convicted 'propter defectum ponderis panis equini,' and imprisoned in Bocardo[4].

March 20, A.D.1444. A general 'inquisitio,' or assise of victuals, was held before Gilbert Kymer, Chancellor, in his chamber at Durham College. The college butlers and manciples swore that 'omnes et singuli pistores Universitatis facerent panes male-paste in substantia colore et sapore, necnon minus ponderantes,' and only gave twelve to the dozen to clerks, whereas they gave thirteen to the dozen to townsmen. The 'pandoxatores brasiaverunt, et fregerunt assisam, necnon faciunt ex consuetudine cerevisiam debilem, corpori humano insalubrem.' They are also 'obstinati et rebelles, ac recusantes servire Principalibus aularum, et suis co-aularibus de cerevisiâ.' Many fishmongers are 'communes regratarii piscium recentium marinarium, et causant eas magis duplo carius vendi,' and keep the fish, 'contra regium statutum, per duos tres vel quatuor dies post earum emptionem,' and are 'cum extraneis confederati, (qua) ratione omnes pisces sunt cariores[5].' Two dealers also are accused as 'communes forestallarii et regratarii dentricium[6], anguillarum,' and other freshwater fish. Johanna Schoo, 'exercens artem coquinariam apud quadrivium,' was convicted before the Chancellor of selling 'communiter unam aucam[7] rostitam pro octo denariis, contra proclamationem factam de victualibus vendendis, et quod communiter vendit unum pastellum de duobus pipionibus[8] pro duobus denariis, contra[9],' &c.

Sept. 9, A.D.1451.

Nov. 12, A.D.1462. The price of beer was fixed by the Commissary, David Husbond, at

[1] Anst. ii. 541. [2] Ibid. ii. 549. [3] Ibid. ii. 543.
[4] Ibid. ii. 556. [5] Ibid. ii. 589. [6] Called in French 'mellens.' Du Cange.
[7] Goose. Ibid. [8] Pigeons. Ibid. [9] Anst. ii. 621.

19d. 'per quarter melioris cerevisiæ,' and the brewers were to brew in turn each week 'juxta limitationem et assignationem duorum actorum seu, vulgariter vocatorum, gardianorum[1].'

The following entry is of uncertain date:—

'In libro senioris procuratoris p. 86 sic legitur. Carnifex qui vendit carnem porcinam superseminatam, vel carnam de morina, vel emat carnes de Judæis et vendat Christianis, postquam convictus fuerit, primo amercietur graviter, 2do convictus patiatur judicium pilloriæ, 3° incarceretur et redimatur, 4° abiuret villam, et idem fiat de cocis transgredientibus[2].'

The following is an instance of 'discommonsing' of this date:— May 2, A.D.1467.

'Propter enorme quoddam factum in domo sua ["Margoriæ Trynge" in marg.] scilicet homicidium saltem suspectum iniunximus sub pœna 40s. ne usquam cerevisiam alicui Scholari vendere præsumat quocunque colore infra Universitatem nisi aliter secum per Cancellarium vel ejus vices gerentes dispensatum fuerit[3].'

In 1464, before the Commissary and, apparently, a select committee of tasters, 'convocatis coram nobis diversis Magistris, et aliis laicis cerevisiam vendentibus,' a taverner was obliged to refund 8*d.* out of 20*d.* which he had charged for a cask of beer, 'quia secundum judicium nostrum et aliorum inde gustantium non plus valuit[4].' Aug. 4, A.D.1464.

Edward the Fourth confirmed the Charter of Edward the Third touching the Market, the composition with Richard d'Amory, and the remission by Henry the Fourth of the 100*s.* paid from the market, but it seems that when some other Crown grants were revoked, this grant was, by some mistake, not exempted, for in 1472, 'as concerning the 5*l.* for the feefarm of the Mercate before mentioned, that is, for Ale, Wine, Victuals, &c., being now found void for lack of certain provisions upon certain Acts of resumption heretofore made, the University petitioned that it might be confirmed by Act of Parliament, and it was confirmed accordingly in this year[5].' A.D.1468. A.D.1472.

It is noteworthy that in 1491, in consequence of the severe frost of the last winter and the subsequent drought, wheat rose in Oxford market to 16*d.*, and barley to 8*d.*, the bushel[6]. A.D.1491.

'14° die mensis Decembris comparuerunt coram Domino Cancellario Thomas Bedforde et quam plurimialij accusati per homagium de Regrat' et forestallat', et quoniam eorum quidam plus alij minus rei huius criminis iudicio Domini Cancellarij reperiuntur A.D.1503.

[1] Anst. ii. 695. On these officers vide infra p. 93.
[2] Twyne's MSS. 16. 110.
[3] Ibid. 115 *b.*
[4] Anst. ii. 709.
[5] Wood's Ann. i. 629.
[6] Ibid. 648.

criminosioribus præceptum est ut subeant pœnam iuris honestorum arbitrio limitandum, videlicet, quilibet eorum xx^{d} nomine pœnæ.

Eodem die comparuerunt Johannes Adams, et Johannes Heyns, pistores et promiserunt se parere iuri si possit probari quod rei sunt criminis de quo accusantur Videlicet de forstall' et regrat' mercati.

Eodem die comparuerunt Gelly, Quarrell, Thomas Bedford, Couper, Godfrey et Jurati sunt deinceps non regrat' nec forstall' mercati et præceptum est ut stent paul. in carceribus et quilibet eorum det denarium incarceratis[1].'

Feb. 22, A.D. 151¾. In 1513 the Vice-Chancellor held a court at the house of the Master of the Brewers' Corporation, and issued an order for the regulation of brewing. This power of the University was afterwards disputed, as will be seen, and led to an order of the Privy Council, which will be quoted in its place[2].

Vide infra, p. 70.

Sept. 29, A.D. 1521. In 1521, in a list of payments made by the town Bailliffe to the Exchequer, appears an entry 'from the same Burgesses for the assise of bread and beer which used to belong to the farm, c^{s}. for this year[3].'

In Henry the Eighth's reign the quarrels between the two bodies about their market privileges arising out of Wolsey's Charter to the University were continuous and bitter, and in 1531 a long list of complaints against the University was laid by the Town before the King; among which occurs a charge that on April 21 the deputy of the Commissary seized a quarter of beef from a butcher, 'and then he sayd thes words, "Clare thou hast forfayted thy quarter of beffe," and so exstorciously took it from him and dyd ette it in Lingcolne College, and never payd for it.' The answer of the Commissary was that the meat was 'regratid,' i. e. sold twice over in the same market, and that it was untrue that it was not paid for, 'for the beffe, or the value thereof, every penyworthe was bestowid apoun pore prisoners, and other pore people, where he myght have converted yt to the comon profyte of the Universite, according to the privilege of the said Universite, if it so had plesid him.' Other complaints in the same paper are of the seizure in St. Mary's parish, and sale by the University's bedells, of fish. The answer was that 'the fish & oysters were stopped bycause of the grett pollyng of the fischers of the towne: then it was evydently provid, who would never suffer rippers to sell their owne fische, but gave for every pott iij^{s} or at the uttermuste iiij^{s}, and sold every pott agayne for x^{s} at the leste, and sometyme for xiij. iiij^{d}

A.D. 1531.

[1] Twyne's MSS. 16. 114.

[2] Turner, City Rec. p. 10.

[3] Ibid. p. 30.

or more, so that they had advauntage for selling of every pott a noble, thoughe they sold xx potts wtyn an owre; and as for that place where the fische, by the comaundement of the said Comyssarye, were sold, time wtyn mynd of man (it) was usid for the market of fische, and is nowe a comon market place for fische and many other thyngs.' The town was then accused in turn of making a corporation of fishmongers by the Mayor's authority, so that it was 'sold dearer than has ever before been heard of,' and it was for such reasons as these that the Crown had 'made the Chaunceller of the Universite the Clerke of the Market, and yn his absence his Comyssarye or Deputie.'

Again the Town complained that the University would not admit the Mayor's power to grant licenses to sell wine, the answer to which was that 'though by the fredome of the towne the fremen may exercyse merchandyse, yett for yt by privelege of ye Unyversitie graunted by the Kyng's grace that now is, ye Chaunceller and ye said Comyssarye hath the supervysyon of assie, and asseye of wynes.' Another complaint was that 'the Comyssarye dothe take iiijd. for the sale of every horse-lode of freshe samon, and a jd. of every seme of fresshe herynys, which is exstorcyon[1].'

In the same or the next year, further complaint was made that 'where it was grauntyd to the said Mayer and Comennaltie to make Clerk of the Market, and that no man shall sell anythyng wtyn the Town, till it be brought to a place lymyted for the market, and the Mayer to have correcion of vitellers, this notwtstondyng, the seid Comyssarie and Proctors take uppon them to make the Clerk of the Markett and to correct vitellers.' This bold claim was met at once by a protest from the University, 'that they know of no such grant to the Mayor and Burgesses, and that the Chaunceller, his Comyssarye, and Scollers only holly and for ever hathe the hole and full auctorite of the Clerkschyppe of the Markett and that none other Clerke of the Markett there ought to entermedle[2].'

The town, however, took some action on the privileges which they claimed, for on Dec. 5 of this year they ordered that 'noe maner of person or persones shall occupye ij crafts of vytteling wtin the Towne of Oxford and the suburbys of the same' under forfeit of 10*l.* or imprisonment in Bocardo, and the same prohibition was repeatedly issued afterwards[3].

In the next year the complaint was renewed of the extortionate toll laid by the University upon salmon, and a new grievance cropped up, A.D. 1532.

[1] Turner, pp. 95 *et seqq.*

[2] Ibid. pp. 97 *et seqq.*

[3] Ibid. p. 106.

(the like of which has been heard in recent times):—'Item, New Colledge and Magdalen Colledge baketh theyre bread within them, and they have motton, beefe, and all salte store, that is to saye, salte-fish, and all theyre cloth for linnens with all other necessaries of household of theyre own provision within them, soe that the Towne is not profited by them, and many Colledges useth the like manner and fashion[1].'

Jan. 4, A.D. 153½. At last the two bodies sent a joint letter to the King surrendering their privileges into his hands (as had been done in Edward the Third's time), with a view to settling all disputes[2]. The matter was long in abeyance, and meantime both parties were vigorous in the assertion of their rights, each apparently relying upon the other having at present no privileges[3].

At the end of this year (Dec. 6) a memorandum was entered in the City Records, that the Commissary entered the butchers' shops, and struck out the Mayor's marks upon the weights of the royal lion and crown, substituting the University mark of the book with seven clasps, 'in derision of the King's authority and his gracious name[4].'

Oct. 7, A.D. 1534. Oct. 7, 1534, it was agreed by the whole Town Council 'that the Brewers & Bakers of this Town of Oxford shall have an ordynance for their occupacion of brewers & bakers as it shalbe devysid by learnd Counsill under the Towne scale[5].'

Oct. 23, A.D. 1534. In an order of the Town Council of the next year, repeating the prohibition of practising more than one victualling trade by a citizen, the different kinds of victuallers are enumerated, 'no vytiller, that ys to saye no bruer, baker, ffyshemonger, bocher, inholder, vyntener nor chaundeler.' By the same order, all grain, 'whete, rye, mascelyn, benes and pesen' is to be brought to the King's (or Castle) Mills to be ground. This order is repeated again and again at different dates, and enforced by fines[6].

While the Charters of both bodies were still in the King's hands, new papers of complaints against each other were laid before him, in

Dec. A.D. 1534. one of which the Mayor and Council 'boldly affirme that the sayd Chaun[r] Schollers be not clarks of the markett, and that they have never used it peaceably, but by wrong usurpation,' and so too with regard to the Assise of Weights and Measures. Nor ought the University 'to sett the price of coneys, nor of other things w[h] they buy of ye freemen of the Towne[7].'

[1] Turner, p. 113.
[2] Ibid. p. 115. Dr. Claymond (vide supra p. 20) signed this as 'Servus Eucharistiæ.'
[3] Ibid. p. 122.
[4] Ibid. p. 118.
[5] Ibid. p. 120.
[6] Ibid. pp. 120, 278, 323, &c.
[7] Ibid. p. 123.

The next year the Town Council ordered that the butchers should sell their tallow to the chandlers of the Town and none other, and that no candles be sold out of the Town till the Town and University be served[1]. June 20, A.D.1535.

Later, it was ordered, that no victualler, 'as baker or bocher,' should hereafter be Mayor. This, however, seems to have been relaxed, as regards bakers, by an order, two years later, which forbad a baker to be Mayor 'excepte he leve the occupacion crafte or mystery of bakers for the tyme that he shalbe Mayre[2].' Nor might anyone be an Alderman, unless he bound himself, on forfeit of 100*l.*, not to practise two victualling trades. May 18, A.D.1536.

A Butchers' Corporation was also formed in this year, with the approval of the Mayor and Aldermen and the Judges of Assise. This seems to have been a distinct violation of the rights of the University, for the order was that the warden of the butchers' company 'shall have the serche of all fleshe that shalbe slayne or killed w^th^in the Towne & suburbs, & if they find any flesh not wholesome, then to seaze upon it as forefayted, and the party offending to be punished by ye Mayor and ye Justices for the time being[3].'

Shortly after, a still bolder encroachment was attempted, when the Town Council ordered that 'William Fallofelde & John Brigeman shall exercise and be assistent with Mr Mayre for this yere next ensuying for setting the price of all maner of vyttells to be sold w^t^in the Towne and suburbys of the same[4].' Sept. 30, A.D.1538.

At last, after nine years' suspense, Wolsey's Charter to the University of April 1, 1526, was repealed, and Edward the Third's Charter confirmed by the Privy Council[5]. This quieted all disputes about the different assises for a considerable time. May 25, A.D.1543.

'Againe 25 die Septembris 1551 Edw. Sexti 5°. comparuit Coram nobis Ricardus Ivery Communis Candelarius villæ Oxoñ à quo, virtute officij quæsiuimus vtrum audiuerit de proclamacione per nos facta tangente pretium Candelarum, in qua, mandatum fuit vt nullus Candelarius venderet libram Candelarum vltra duos denarios Cum obolo pro libra, et dixit se audiuisse de huiusmodi proclamacione; deinde quæsivimus ab eodem, an observaverit, eandem; et respondit quod non: sed quod vendidit libram pro tribus denarijs. Deinde Mr Irish Maior præcepit, quod A.D.1551.

[1] Turner, p. 133. [2] Ibid. pp. 139, 151. [3] Ibid. p. 144.
[4] Ibid. p. 152. The entry in the minute book (copy) runs, 'Price of Victualls to be sett downe by the Mayor.' C. R. Wright's Coll. (P. 22) 22.
[5] Turner, p. 170.

non obediret proclamacioni factæ per Vicecancellarium in hac parte &c.

Cancellarius Ricardus Cox Decanus ædis Christi[1].'

Aug. 8, A.D. 1552. There is an entry in the Town Council Book in 1552 'Ordinatum est per Justiciar.' that butchers shall sell their tallow at 16*d.* a stone, and chandlers their candles at 2*d.* a lb. If this was an order of the Town Justices it was a clear violation of the University privileges, and perhaps it may have been this order, or something like it, which drew

Nov. 27, A.D. 1552. upon them a severe admonition from the Privy Council, that 'uppon ye p'tence of thexecucion of certaine Statuts lately made, you take uppon you to medle further than the priviledges of the Universitie . . . dothe permitt[2].'

A.D. 1553. The next year an order was made about measuring corn, which mentions 'one of the seid overseers of the market,' but without further explanation what officer was designed[3].

A.D. 1554. 'Mr Comissary of this Universitie, considereth that divers p̄sons y^t^ repeyreth unto this markett dwell farre of, and by ye reason y^t^ y^r^ houre of y^r^ markett is so late, are benighted before they can come home to their great annoyance & many times not without perill of loosinge of their purses, by reason whereof, not only they, but divers others are discouraged to repayre unto this markett: He therefore tendringe their comodite & assurance, willeth & comaundeth that from henceforth ye markett shall allwayes begin at eleven of ye clocke[4]. (Sub Maria regina.)'

In the last year of Edward the Sixth's reign a Statute was passed concerning the licensing of Vintners and Alehouses, which originated a dispute between the University and the City prolonged for a century. An account of this quarrel, complicated as it became during its continuance by Patents granted to Sir W. Raleigh, Lord Goring, and others, seems properly to belong to the history of the Market, and is set forth at length in a case preserved in the City Archives, which was drawn up for the University towards the end of the controversy, and has the decision of Sir William Jones attached to it. The City lost no time in asserting their claim to issuing licenses to Vintners under

Sept. 15, A.D. 1553. the Statute, and at once issued three licenses, 'which I believe were the first licenses granted by the City[5].' A list follows in the Archives of many subsequent licenses granted by the City. Wright adds, 'I meet indeed with a Writt of 5 Eliz. which (says) that understanding that severall Schollars and others by reason of corrupt wine have been

[1] Twyne's MSS. 16. 21.
[2] Turner, p. 212.
[3] Ibid. p. 213.
[4] Twyne's MSS. 16. 123 *b*.
[5] C. R. Wright's Coll. (P. 22) 268.

detained variis languoribus et infirmitatibus the Kyng would (order) the Mayor and Bailiffs that in the presence of the Chancellor of the University they should oversee and try and assey all the wine in the towne, and all that they should (find) putrid . . .[1]' [The writing breaks off here.] At last the Mayor, Potter, had a license granted to him by A.D. 162½. the City, but 'the Vice Chancellor, being dissatisfied with Potter's license, the City, though they allowed not the University to have right, yet Potter cancelled it by order of ye Vice Chancellor[2].'

The case mentioned above sets forth the whole dispute chronologically, and is therefore transcribed here at length. After asserting that by Edward the Third's Charter 'the Assay of bread, wine, & ale, with the other privilidges was granted to the University,' it proceeds thus:—

> 'The Statute of Ed. 6, cap. 1. Limitts the number of Tavernes in severall places, and particularly 3 in Oxon, and 4 in Cambridge, and appoints ye Licensing them in Townes & Citys by the head Officers, which in ye University are ye Chancellor, not ye Mayor, with a Provisoe to save the libertys and Jurisdictions in both Universitys as amply as before, yet soe that they license not more than three in Oxford and four in Cambridge.
>
> Accordingly the Chancellors of both Universitys did from time to time continually enjoy that priviledge without contradiction, as appeares with us by our Licenses entered upon our Register from time to time, and the like at Cambridge, without the Towne intermedling at All.
>
> But about the year 1584 Sir Walter Raleigh, in pursuance of A.D. 1584. a Patent from Queen Elizabeth took uppon him to license & sett up one Keyner a Taverne in Cambridge, besides the four licensed by the University.
>
> Thereupon the Procter of the University promoted the (suit) in the ViceChancellor's Crt against Keyner for selling of Wines

[1] Ibid. 47.

[2] The City Archives contain continuous lists of licensees for Alehouse-keepers, Tipplers, and Victuallers down to A.D. 1662, as many as 160 being licensed for the year 1655, while other lists are equally numerous. On Jan. 10, A.D. 160½, it was ordered by the Justices at Quarter Sessions (the Vice-Chancellor, Mayor, and others) 'that the Unneccessary superfluous Nomber of Alehouses & Typpleing houses within the said citie & suburbs should be from henceforth abated and abridged, and that onlie theise whose names are hereafter speciallie underwritten and licensed shall be nowe allowed to kepe Alehouses within the said Citie and suburbs (not being privileged persons). The Nomber of the said p̄sons soe allowed or hereafter at any time to be allowed for the said Citie by the Mayor & Aldermen being Justices shall not exceed the Nomber of Three Score and Tenne. And that the Nomber of Alehouses to be appointed of priviledged persons of the Universitie wthin the said citie & suburbs shall not exceed the Nomber of Twentye.' C. R. (G. 19), 52. Wright's Coll. 269.

without due license contrary to the Statute of 7 Ed. 6. Sir Walter Raleigh used All his Interest to maintaine him and oppose the University, but their high Steward the Earle of Leicester and their Chancellor the Lord Burgleigh stood their ffriends, and upon hearing Councill on both sides the two Lord Chiefe Justices Wray and Anderson delivered their Opinions that the right was in the University and not in the Patentee, Sir Walter Raleigh.'

[Accordingly Keyner was imprisoned by the Vice-Chancellor, and his goods distrained.]

'In Oxford I doe not find that any did there intermeddle to disturb the University in their right till about the year 1620.'

[Then follows the case of Potter, mentioned above, who was con-

Oct. 4, A.D. 1620. vented by the Vice-Chancellor, Dr. Prideaux on October 4, 1620.]

'In the meane time, hearing that there had been some other dormant Licenses granted by the City, the Vice-Chancellor ordered them to be brought to him to be cancelled, and so they

Oct. 19, were soon after.

Jan. 2, A.D. 162¶ On Jan. 2d following, the Vice Chancellor admonished the University Licensees not to pay any pension or sum of monys for any other License, or for the suppressing of any other licenses, granted to any other than the University License(e), which seems to be done to prevent their taking concurrent licenses from the Towne, besides those they had from the University, or giveing monys to such as had such licenses, or for the suppressing the same, the better to secure the Trade to themselves, whereby the Towne would underhand keep up a p̄tence of haveing granted Licenses.

A.D. 1635 After this, I doe not find that any other did Interpose till about the year 1635, when the Lord Goring & other Patentees for the Wine Office did interpose for the Statute 21 Jac. cap. 8 against Monopolies (except that for Wine Licenses), and the Statute of 7 Ed. 6, cap. 5 prohibiteing others then soe many as are therein allowed, only under a forfeiture to the King, which it was presumed the King might dispose. Which gave occasion to the Patent for the Wine Office, then granted to the Lord Goring, and others, who, besides the three University Licenses, granted Licenses to Humfrey Boddicott and Ann Barnes during their lives, if not exceeding 21 yeares . . . Whereupon the University being pleaded and asserted and found Just, the matter was thus, those two were by the connivance of the University permitted to enjoy their Licenses, but noe more to be granted. And the Lord Goring and the rest of the Patentees by an Instrument

under their hands and Seales inrolled in Chancery did disclaime their right of licensing within the Limitts of the University, and the King, in consideration thereof, abates part of the Rent payable to him.

And consequently hereunto the new Statute of the University granted and confirmed to the University by a particular Patent under ye Great Seale in the yeare following (viz. 1637) doe A.D.1637. ordaine that those then in being should be permitted to continue dureing their lives, but noe more to be granted till 2 of them expired, and from thenceforth noe more to be permitted then three allowed by the Statute of Ed. 6 and these to be licensed by the University.

In the time of the Wars, whilst Oxon was a garrison, there was, it seems, about a duzen that sold wine, some with licenses, some without, but none under p'tence of license from the Towne. After the Warrs, about 1653, Mrs Turton, setting up a Taverne upon p'tence of a Towne license, was presented for it in the Vice Chancellor's Court, and John Owen the Vice Chancellor proceeded to sentence against her Dec. 2^d^ 1653, from which Sentence A.D.1653. she appealed to the delegates of the Congregation, who approved the sentence against her, and remitted the cause Judici a quo . . . April 29. 1654 then next following, This Incroachment of the A.D.1654. Towne on our right in licensing Mrs Turton was amongst other things complayned of to the King and Councill soone after the King's Restauracion, who upon a heareing at Worcester House in the year 1661 did settle some of the particulars then com- A.D. 1661. plained of, but not haveing a Leasure to heare out All, ordered as to the rest (of which this of Wine Licenses was one), that the University should enjoy all their priviledges which they were in possession of in the yeare 1640, or any time before.

There are at present, I heare, some dormant Licenses of the Towne in being, but those, it seems, are bought in or suppressed by those that have the University Licenses, soe that none such doe publicly appeare to sell Wine, but those licensed by the University.

The new Statute about Wine Licenses 12 Car. 2^d^ on which A.D.1672. the present Wine Office doth proceed, doth by expresse provisoe preserve to both Universitys those priviledges which before they had, soe that the sole right before being in the University by the severall Charters above mentioned, it thus remains. Soe that the new Taverne intended to be erected by license from the Wine office is manifestly destructive to our rights, and it is soe much the more manifest, because all amerciam^ts^ ffines and penaltys

ariseing from the undue Selling of Wine &tc and consequently those against the Statute of 7 Ed. 6 are granted out of the Crowne to the University, not onely by the Charters above mentioned, but by that Alsoe of 14. H. 8, and by that of 11 Car. 1mi which Grants &tc and the right thereupon are reserved to the University by the expresse provisoe both in the Statute of 7 Ed. 6, as that of 12 Car. 2d.'

Sir W. Jones' opinion on this is as follows:—

'1. On consideration of the case, and of that stated by the University, I am of opinion, that before the Stat. 7 Ed. 6 it was lawfull for any person to sell Wine or to keep a Taverne without License, and therefore, though the University might have power to correct & punish misdemeaners in Tavernes before the Statute, it cannot well p'tend to licenses before the Statute, seeing noe license at all was requisite before the Statute.

2. I think the Statute of 7 Ed. 6 gave the power of Licensing tavernes to the Corporation of the City and not to the University, for by the Statute noe power is given to the University, but onely a Saveing of the Rights. And unlesse they held a power of licensing before the Statute, the Statute gives them none.

3. But if the latter point be with the University, yet I take it to be cleare, that they cannot license any new Taverne above the number appointed by the Statute, for, admitting they had a power of licensing by the Statute, they are restrained to the number in the Statute of 7 Ed. 6, and above that number they cannot goe.

4. The Commission upon 12 Car. 2d have power to license beyond that, even to any number, and though there be in the Statute a saveing of the priviledges of the University, yett the University not having the power of licensing beyond the number of 3 (admitting they had soe much, which I deny), it is no breach of the priviledge of the University to doe what they had no power to doe.

The only objection which can be made against what I have said is, that time out of mind, even before the Statute of 7 Ed. 6, the University had power to license Tavernes, and to restrain whom they pleased, and this might be for the better Government of the University, to which a great number of Youth doe resort. And if Tavernes should be kept by unfitt p'sons, it would p'judice their Grant. To this I answere that the reason of such a priviledge is Answered by allowing them a power to punish disorders and offences in Tavernes. 2dly, If such an usage be, it must be well proved to have been before the Statute, (vizt.), that the Uni-

versity before the Statute have licensed men to keep Tavernes and punish those that keep Tavernes without their license, of which all that is stated in this case doth not give the least Shadow of Proofe.

Wm. Jones.
23d Jan.[1]'

The above case was no doubt prepared to be laid before Referees, when 'a reference was made by the University to ArchBishop Laud, and by the Citty to the Earl of Berkes their High Steward,' concerning several differences[2]. In that reference the case of the University is stated with the answers of the City on each point, from which the following extracts apply to the market questions in dispute,

'An Exemplification of an old Priviledge of (the) University to have Assise of bread beer and wine, and of weights and measures, wherein is a grant of the Clerkship of the Markett with the profitts from thence, and from that Office issueing power to dispose of stalls and Standings in the Markett, to have full government of the Markett, and to have reasonable toll.

(Answer.) The Citty have ever had the Markett, the Soil is theirs by the grant of the King, they have Stallage, Pickage, and other Toll, and all the profitts thereof, and the ordering and Jurisdiction thereof, for which they pay a ffee ffarme. The Citizens live a hard ffreedom, the chief benefitt of which is the Markett.

That no Magistrates hereafter besides the University meddle with licensing tavernes nor Alehouses. After two tavern licenses are expired (which then made 5) to be reduced to 3 according to Stat. and those only in the University. The Chancellor [has] power to inquire of corrupt victualls, and of fforestallers and Regrators.

(Answer.) The power of Licensing taverns in the Citty, and the clause of Alehouses is voyd per 5. Ed. 6. cap. 25.

The University hath the sole Licensing of Brewers[3].

The Assise of bread and wine being in the University the right of licensing Brewers and Bakers is in them, and the Brewers by their own declaration have acknowledged (it), if so be the ffees for licenses are ancient and moderate.

The University claims the toll Piccage and Stallage and

[1] C. R. Wright's Collect. (P. 22) 272-7.

[2] Ibid. 381. The order by the Town Council for this reference is dated Sept. 25, A.D. 1635. C. R. (Q. 3) 60 *a*. In Twyne's MSS. No. 16 is a very large collection of extracts, precedents, legal opinions, &c., bearing upon the question laid before Mr. Justice Jones, and his decision thereon. One of these documents, entitled 'Whose the market is,' is printed in Appendix E as a sample.

[3] Wright's Collect. 392.

doe alter the Markett, whereas the Clerkeship of the Markett is onely theirs, and the perquisittes belong to the Citty.

They (i. e. the University) License tavernes by the true intent of 7 Ed. 6. cap. 5. The Citty hath no Charter, nor are otherwise enabled to sett up Tavernes, nor doth the 7 Ed. 6. give them power, but the University at the time of the makeing the Statute and long before did license and suppress Tavernes, which priviledge is saved by the Statute[1].'

A.D. 166⅘. Another paper of the same date is headed 'The particulars of the University petition to the King in March 166⅘[2],' from which the following is extracted:—

'3d. The University ought to have the Clerkeship of the markett, and the placeing proclaimeing and Government thereof with toll of Corne and All incident thereunto. That (the) Citty incroch upon (the) Markett, and disturb those who come to sell Cloath victualls and other Comoditys, and disturb (the) Clerke of (the) Markett to take toll.

(Answer.) (The) Citty confesse the Clerkship of the Markett to be in the University, tho anciently twas the Cittys. The Markett Stallage Piccage and other profitt are the Cittys, and the toll as part of their ffeeffarme. (They) Deny they disturb any that come to Markett to sell Cloath victualls or other Comodity in other manner then Law allows, they claime a concurrent Jurisdiction with (the) University concerning Weights and measures and the breaches of the Assise of wine bread Beer & Ale, and the fforfeitures to goe to their ffeeffarme. They may by Law examine abuses of the Clerke of the Markett.

4. They (i. e. the University) claime the Sole licensing of Alehouses and Tavernes, and of Bakers, Brewers, and Malsters.

(Answer.) The Citty claimes the Licensing of Tavernes by 7 Ed. 6, and that by the old Charters of the Citty none that are not of the guild ought to sell Wine by Retaile. They justify licenseing of Inns & Alehouses by many Statutes, and say that Citizens may use the trade of Baker Brewer or Malster without license of the University.

Upon hearing, the Lord Chancellor declared the Wine Licenses belonged to the Citty[2].'

It has been thought well to insert these papers together, as giving a full account of the licensing quarrel, though the chronological sequence of the narrative has been thereby disturbed. Constant references

[1] Wright's Collect. 395. [2] Ibid. 397.

to the dispute will be found in the following extracts from the Council books, inserted in the order of their dates. To return now to the time of Elizabeth. In 1571 Ordinances for the Company of Brewers were enrolled by the Mayor and Council[1]. In 1574 Sir Francis Knollys, High Steward of the City, wrote, probably to the Justices appointed to hear a dispute about an innovation attempted by the University in the matter of their Leet Court in the Guildhall, stating that he had 'always caused ye Townesmen to use all reverence unto ye sayde University, and to submitt themselves to ye University as touchinge ye rule of ye Procters for good order, and for ye assisse of bread and ale, and all things appertayninge to ye clerke of ye markett[2].'

Feb. 4, A.D. 1571. Oct. 25, A.D. 1574.

The following are the Market Orders issued by the Earl of Leicester during his Chancellorship:—

> 'Robert Earle of Leicester Knight of the right honorable Order of the Garter, one of the Queens Majesties privy Counsell and high Chancelor of this Universitie of Oxforde well perceavinge that the often . . . . . heretofore by him made hathe bin & is litell estemede or regarded & in a maner neglected of divers to the great hinderaunce of the commen weale bothe of this Universitie & Citie also, for spedie remedie wherof he nowe agayne straytly chargethe & commaundethe that no maner of person that dothe sell any ale or beere in these howses doe sell the same but in sealed measures and also to sell the same ale for iij^{d} the gallone and not above uppon (payne) of forfetting of euery such mesure, besides further punyshment to the will & plesure of the sayd Chancelor or his depute.
>
> Item the sayd Chancelor chargethe and commandeth that no ale brewer within the Citie of Oxford or suburbes of the same do sell the quarter of there good ale above iij^{s} uppon paine of forfetinge euery quarter to the contraie sold, besydes further punnyshment to the will and plesure of the sayd Chancelor or his depute.
>
> Item, that euery browne baker do sell iij horse loves for a peny, and they to wey accordinge to the Statute in that behalffe provided & the same loves to be made most of beanes and not all of branne, uppon payne of forfetinge of x^{s} so often as any of the sayd bakers do offend in any of the premisses, besides further punyshment as before.
>
> Item, he further chargethe and commawndeth that all kinde of

[1] Turner, p. 333.

[2] 'An ancient copy of this & some others of this kind I found in Mr. French the Registraryes chest at Merton Colledge, 1649.' Twyne's MSS. 16.

flesshe, fisshe, fowle and all maner of other victualls whatsoever shalbe sold in the Commen markett place, uppon payne of forfetting them and euery of them contrarywise solde.

Item, he commawndeth that all manere of persons that do commenly use to sell haye to make the same bottelles that they do so well weyghtie according to the statute therof made uppon payne of forfeting as in the same statute is expressed.

Item, he also chargethe that no huckster buie any kinde of victuall aforesaid in the open markett before xij of the clocke in the forenone, and to gayne only one penny in xij^{d} uppon paine of forfeting of all & singuler such victualles bought contrarie to the proclamacion.

Item, that no whitt baker do sell any branne out of the towne before the browne bakers of the towne & others of the same be sufficiently served of the same, upon payne of forfeting of the same, besides the punyshment as before.

Item, he further commawndeth that no maner of person or persons do sell his or their tallow out of thys Citie of Oxforde uppon payne of forfeting the same, & allso that no bowcher or other do sell there tallowe aboue ij^{s} the stone uppon payne of forfetinge the same.

Item, the sayd Chancelor allso commawndethe that euery Chaundeler within thys citie of Oxforde & suburbes of the same do sell their Candells for iij^{d} the pownde & not aboue uppon payne of forfeting of iij^{s} iij^{d} for euery pownde sold contrarie to this proclamacion.

Item that no privileged person being a householder kepe any pore Scholler or Schollers in his howse, or any underteanaunt without the speciall leave of the sayd Chancelor or his depute uppon payne of fourtie shillinges wherof the one moyetie to the universitie, the other to him or them that shall detect it [1].'

May 17. A.D. 1575. The Lords of the Council made orders to settle disputes between the Town and University [2], and among others confirmed the privileges granted by Edward the First and Third to the University of buying woollen cloth retail or wholesale, and buying and selling anything which is to be bought or sold within the City and suburbs without license or payment to the Mayor, privileges, which the Mayor had denied, as contrary to the liberties of the City 'before that time to them graunted.' The new Corporation of Brewers was at the same time abrogated, 'wch said p'tended coporacion or societe of the brewers

[1] Twyne's MSS. 16. 34.

[2] A transcript of this 'composition' is in the Bodl. Arch. F. 88 (Dayrell's Coll.).

newly devised to the disturbance of the liberties of the Universitie is and hath bin one of the chief and originall causes of this variance & strife betwixt the Universitie & Citie [1].'

The Vice-Chancellor's Deputy in conjunction with the Mayor and Aldermen issued new licenses to all the alehouse-keepers in Oxford, privileged and not privileged alike [2]. Jan. 22, A.D. 157⅞.

In the same year the Vice-Chancellor set the price of a quarter of the best strong ale at 3*s.* 4*d.*, a kilderkin of the best double beer at 3*s.*, of the best single beer at 1*s.* 6*d.*, and the retail price at 4*d.* a gallon, only to be served in pewter pots allowed and sealed by the University Clerks of the Market. Cooks and College manciples were also to inform the Vice-Chancellor or the Clerks of the Market of the sale of young brood or fry of fish. Best cotton candles were fixed at 3*d.*, and brown-wick candles at 2*d.* a lb., on pain of forfeit of the candles and a fine of 1*s.* a lb. [3] May 22.

Here Turner's valuable volume of extracts ends, and recourse is obliged to be made in all that follows to the original MSS. of the Council Books contained in the City Archives.

Notwithstanding the abrogation of 1575, a new Incorporation of Bakers and Brewers was ordered nine years later by the Council [4]. In the same year it was agreed 'that Counsayle shall be taken by this Cytie as touchinge the attempts of the Universitie against our Citizens Bakers and Brewers, for that they inhibite our freemen to use theire saide trade without their license and to sette uppe the same occupacons and other handicrafts of foreners contrarie to the libties of this Cyttie [5].' April 8, A.D. 1584. May 26.

In the following year they ordered that 'no citizen shall receave or consent unto any corporacon societie or fellowship of or from the Universitie or any member thereof or any booke or acte or ordinance touchinge any arte mysterie or corporacon within the Citie without consent of the Mayor and whole Council [6].' June 10, A.D. 1585.

The Town Clerk was sent to London the next year to appear before the Privy Council touching the dispute [7], and he was ordered not to consent to the University setting up three bakers and three brewers not free of the City, 'nor any handicrafte men at all not free of this Citye.' Conferences were ordered to be had with the University during several years, the matter being referred by the Privy Council to the hearing of Lords Cobham and Buckhurst [8]. There is a decree of March 5, A.D. 158⅞. June 8, A.D. 1586. Aug. 13, A.D. 1595.

[1] Turner, p. 370, &c. [2] Ibid. p. 399. [3] Ibid. p. 400. [4] C. B. (Q. 1) 268 *a*. [5] Ibid. 268 *b*. [6] Ibid. 274 *b*. [7] Ibid. 283 *a*. [8] Ibid. 293 *b*.

Convocation dated 1595, stating that the Vice-Chancellor and others met

> 'In camerâ quadam superiori infra collegium Baliolense ad audiendum et determinandum in causa querelæ opidanorum de numero pistorum et brasiatorum ..... et æquum sensuerunt ad effectum infrascriptum, respondendum esse litteris Cancellarii super opidanorum querelis ad Vicecanc. missis, viz., quod ipsi Magistri et scholares Universitatis prædictæ et successores sui ordinationes ... de numero pistorum et brasiatorum ab honoratissimis viris d. Cobhamo et d. Buckhurstio et aliis editas fideliter observabunt ex parte sua, dumodo Burgenses easdem ordinationes ex parte sua fideliter observent &c.[1]'

Dec. 30, A.D.1596. After ten years it was agreed 'that a Substitucon for the endinge of the controversies between the citie and the universitie, being here now read, shall be sealed wth the comon seale, as it is now drawn[2].' This was renewed the two following years[3], but the controversy still went on, and resulted in an order to send representatives to London to petition against the claims of the University[4].

Dec. 18. A.D. 1611.

Dec. 13, A.D.1606. In 1606 a delegacy was appointed by Convocation to report on the means of putting a stop to students drinking in taverns[5], and fines were fixed for the offence. Later an urgent letter on the same subject was written by the Chancellor (Archbishop Bancroft[6]), and in 1610 Statutes were made 'contra ebrietatem,' 'dedecus et opprobrium frequens et fere quotidianum[7],' and against townsmen entertaining students. This was followed by a Statute forbidding students to spend the night in any inn[8].

Jan. 18, A.D.160¾.

Oct. 20, A.D. 1610.

Oct. 19, A.D.1612.

Dec. 18, A.D. 1615. The following specimens of assises of beer, bread, and wine are extracted from the 'Acta Curiæ Cancellarji' in the University Archives :—

> 'Decimo et octavo die mensis Decembris Anno domini 1615 venarubilis vir doctor Goodwin comissarius universitatis assignavit assisam potus juxta schedulam ejus manu scriptam et subscriptam (ut asserebatur) et mihi ostensam prout sequitur, vizt. the quarter of Mault being at xxiij^s^. iiij^d^., and barlie at xxiiij^s^, I have appointed the barrell of double beer to be at x^s^. and the quarter of Ale v^s^. iiij^d^. Will. Goodwin, vicecancellarius[9].'

Sep. 8, A.D. 1618. 'Octavo die Septembris 1618, wheate being at xxxvj^s^. vi^d^. the quarter, the pennie white loafe shalbe of nine ounces weight, and all other breadde proportionable, which assise was made set

[1] Bodl. MSS. Arch. E. 101 *a*. [2] C. B. (Q. 2) 27 *a*.
[3] Ibid. 32, 38, 52. [4] Ibid. 148 *a*, 149 *b*. [5] Act. Conv. (K. 22) 1 *b*.
[6] Ibid. 31 *b*. [7] Ibid. 57 *a*. [8] Ibid. 104 *a*. [9] G. G. 140 *b*.

and appointed by the Right Worshipful Mr Doctor Goodwin, vicechancellor, the daie and yere abovesaid[1].'

'Vicesimo sexto Maii 1619, Wheate being at 32^s^ the quarter, the pennie white loafe is to be at x ounces a quarter and j^d^ weight; and the other proportionable: the assise was set by Mr Doctor Benefeilde deputie Vice Chancellor, as by the Clearks of the Market their booke appeareth under Dr Benefeilde's hand sicut asserebatur[2].' May 26, A.D.1619.

'xxviij die mensis Septembris Anno domini 1626 infra Collegium S^ti^ Johannis Baptistæ coram venerabili viro Gulielmo Juxon legum doctore Cancellarii Comissario comparuerunt Willelmus Grisse Ffranciscus Harris et Thomas Hallam vintenarii, and they did affirme and did offer to prove that a pipe of Canarie secke and of Malagoe is much risen in price unto them, and that a pipe of each of the saide Wines doth cost them from the marchant xx li., and that their charges with leakages till they can laie it in their cellars amounteth unto iiij li, & that therefore they are not able to sell a quarte of either of the saide Wines under xiiij^d^. Wherefore they did earnestlie praie to be allowed and assised to sell a quarte of each of the saide wines at xiiij^d^ and other measures after that rate, unde præfatus dominus Comissarius super eorum informatione et respectu præsentis bellici dissidii inter Anglos et Hispanos ad eorum petitionem assignavit pretium cujuslibet quarte anglice a quarte, praedictorum vinorum ad xiiij^d^ usque ad bene placitum suum cum informatus fuerit super minori pretio cujuslibet le Pipe prædictorum vinorum[3].' Sep. 28, A.D. 1626.

'Assisa vinorum Gallicorum (Claretti, Albi). Decimo septimo februarii Anno domini 1626 comparuerunt Ffranciscus Haris ballivorum Civitatis unus, Willelmus Grisse, et Thomas Hallam, vintenarii, et allegaverunt that a tonne of ffrench wine vizt of white and Claret is become so deere that it doth cost them xx^li^ and upwarde. Wherefore they did desire that the assises thereof within the Universitie and Citie of Oxforde maie be raised in the quarte a pennie, vizt. from viij^d^. to ix^d^. ad quorum petitionem dominus Comissarius habita matura deliberatione et consideratione caritatis vinorum prædictorum assisam quartæ vini Clareti venundandam pro ix^d^ et similiter quartam albi pro ix^d^. usque ad bene placitum suum[4].' Feb. 17, A.D. 142⅞.

[1] G. G. 141 *a*. [2] Ibid. [3] Ibid. 143 *a*. Other specimens of Assises will be found in Appendix D. [4] Ibid. 145 *b*.

Dec. 9, A.D. 1618. In a paper of exceptions taken by Convocation to the new City Charter, the last is that 'they would' thereby 'have the examining and reforming of all weights measures Laborers and artificers[1].'

Aug. 4, A.D. 1620. In 1620 the Town Bailiffs were sued in the Vice-Chancellor's Court 'for takeinge of pitching pence, which hath been ever due to the Cittie never doubted of, nor so much (as) called in question before[2],' and the Council determined to defend them.

April 16, A.D. 1627. 'Upon the Petition of the Butchers here exhibited and read, touching the forestalling of the usuall and cõmon shops in the Butcher Rowe by several Butchers to the greate disquiet of those other Butchers thst observe and keepe the Order for that intent made in this house upon a delib'te heareing and after a gen'all consent among the whole nomber of the Butchers themselves. In case Mr. Maior for redress of that complaint and for keepeing better Order hereafter shall by his authoritie cõmit to prison any Offenders, and that any accõn shall happen thereupon to be brought, This house doe order and agree that what expence and chardge soever he shalbe put unto shalbe borne and defraied by this Cittie, and shall be disbursed by those that for the time being shall have any money of the Cittie in theire hands[3].'

Archbishop Laud, during his Chancellorship, showed great vigour in repressing any attempts on the part of the City to infringe the market privileges of the University. He appointed Christopher Dival 'to set forth every market day in the place of the cornmarket so many lawful bushels and measures by us or our deputies to be allowed and sealed,' asserting that 'kings and queens of this realm of England' had 'granted and by acts of parliament confirmed unto the said University among other noble privileges and favours the clerkship of the market within the said University and the allowing approving or correcting of weights and measures, and the well ordering & governing the said market for the benefit of the said University and the buyers and sellers thereof[4];' and he severely censured the citizens for having taken upon themselves the measuring and tolling of grain 'without any approbation of us or our vice-chancellor[5].'

May. 2, A.D. 1634.

[1] Act. Conv. (N. 23) 68. [2] C. B. (Q. 2) 239 *b*. [3] Ibid. 306 *a*.
[4] G. G. 315 *a*. [5] Laud's Hist. of his Chancellorship, p. 26.

'A proclamacion for the well orderinge of the Markett in the Cittie of Oxford, and for the redresse of abuses in weightes & measures within the precinctes of the Vniuersitie of Oxford. A.D.1634.

William by Gods providence Archbishopp of Canterbury primate and Metropolitane of all England, one of his Majestes most honorable priuie Councell, Chauncellor of the vniuersitie of Oxford, sendeth greetinge, in our Lord god everlastinge. Whereas by the Customes, liberties and priviledges of this Vniuersitie of Oxon, by kinges & Queenes of this Realme of England granted & by Actes of parliament confirmed vnto the saide Vniversitie amongst other noble priuiledges & favours the Clarkshippe of the markett within the saide vniuersitie and the allowinge, approvinge & Correctinge of weightes and measures, and the well orderinge and gouerninge of the said markett for the benefit of the said Vniuersitie & the buyers & selleres therein, is graunted & confirmed to the Chauncellor, Masters & schollers of the saide Vniuersitie of Oxon, and the execucion thereof to the Chauncellor, or his deputie, the Vicechancellor of the saide Vniuersitie for the time beinge. Forasmuch therefore as we plainely perceaue many good orderes and rules heretofore published by our predecessors by proclamacion and otherwise touchinge the well gouerneinge of the saide markett, to take small effect, because they are either forgotten or else contemned by diverse greatly against the Common good of this Vniuersitie and Cittie of Oxon, only for theire private gaine, for present redresse of all which enormities & abuses, wee streightly charge & Commaund, that no manner of person or persons whatsoever doe from henceforth by any manner of meanes Forestall, Regrate or ingrosse any manner of Corne, flesh, Tallowe candells, Fishe, butter, Cheese, Egges, Pigges, Geese, Capons, Chickins, Wood, Fewell, or any other provision whatsoever belonginge vnto the saide markett, nor by any other Cunninge, shiftes and fraudes in any sort, hurt or abuse the said markett, vppon paine & punishment by the lawes and Statutes of this Realme and by the statutes, priuiledges and Customes of this Vniuersitie limited & appointed. And to the intent that good order be kept concerninge the premisses, we will & Commaund all inhabitantes of the Vniuersitie & Cittie of Oxon and others, buyers and sellers, that repaire to the saide markett duely to obserue & fullfill these articles Followinge, viz. &c.

Inprimis, that no Badger, Carrier, Poulterer, Hucster or any

other person or persons bringinge any kind of victualls to be sould in the markett, holden & kept in the Cittie of Oxon, doe sell or Compact or agree to sell, his or their Victualls, or any part thereof, before all and every part of the same be placed, to be sould in open markett, vpon payne of forfeitinge for every such offence tenne shillinges.

2. Item, that no Badger, Carrier, Loader, Poulterer, or any other person or persons bringinge any kind of graine, or victualls to be sold in this markett, shall Carry or cause to be carryed any of the same out of the open markett place, to any victualler, Inholder, Hucster, or any other person, or keepe or retaine, any of the saide victualls for any Inholder, victualler, Hucster, or any other such like, but that every person willinge to buy any of the said Victualls, may at all times buy somuch as will serve for his necesrary vse, vpon paine of forfeitinge for every such offence tenne shillinges, And farther to be punished for contempt.

3. Item, that no person from henceforth doe sell, or put to sale any Fagotes, Billetes, or Coales, but those that are of the true Assize and full measure, according to the Statutes of this Realme, and that the markes and assizes of the saide Billetes & faggotes be not altered vnder paine of forfeitinge tenne shillinges.

4. Item, that no Ale brewer, nor beere brewer, doe selle any ale or beere to any victualler, or Alehouse keeper or other, to sell againe, which haue no lawfull licence vnder paine of forfeitinge Sixe shillinges eight pence, for every barrell of beere or ale so sold.

5. Item, that no person which selleth wine within this Vniuersitie from henceforth shall abroach any kinde of wine to be sould, before the Chauncellor or his deputie or other officer appointed for that purpose haue tasted, tryed, and allowed the same to bee good & vendible, or shall after such tast thereof any way embase, blend or corrupt vnder paine of forfeitinge twentie shillinges for every vessell of wine so set abroach contrary to this present proclamacion.

6. Item, that all & singular vintners & wine sellers within this Vniuersitie & Cittie of Oxford from time to time, and at all times doe sell their wines in their seuerall kindes, at such reasonable prizes, as the said Chauncellor or his deputie shall prescribe or limit, vpon paine by the statutes of this Realme in that behalfe provided. And farther vnder the like paine, that no person aforesaid do sell any wine, in any other pottes, savinge only

such as hold measure, and are sealed & allowed by the saide Chauncellor, or his deputies the Clarkes of the Markett.

7. Item, that no Butcher or Butcheres, Cooke or Cookes, Chandler or any other person whatsoever inhabitinge the Vniuersitie, Cittie or suburbes of Oxford shall sell their tallow to any forriner, vpon paine of forfeitinge the value thereof.

8. Item that all mannner of Butcheres dwellinge or inhabitinge out of this Vniuersitie or Cittie of Oxon & bringinge or cause to be brought any victualles to be sold in this Markett, shall also bringe their hides, Fells & Tallow belonginge to the saide Victualls, so by them brought to be sould & shall sell the same, if any will haue them at the prize limited, vnder paine of forfeitinge for every such offence, six shillinges, eight pence and farther that every such Butcher, who hath not his said hides, Fells and tallow, at twelue of the Clocke in the fore noone shewed in the markett, shall at that time be adiudged not to haue brought them & so incurr the penalty aforesaide.

9. Item that no Chandler shall sell any Candelles, Cotten or wicke aboue such rates & prizes as shall be set & limited from time to time by the said Chancellor, vicechancellor or his deputie vnder paine to forfeit for every such offence tenne shillinges.

10. Item, it shall not be lawfull for any person or persons whatsoever, to traffique, merchandize, buy or sell by any weightes and measures within this Vniuersitie & Cittie of Oxon or subarbes of the same, except such weightes & Measures be found lawfull, approved & sealed by the saide Chauncellor, his deputie or deputies, the Clerkes of this markett, vpon paine of forfeiture for every such offence twentie shillinges and all such false weightes & measures to be vtterly destroyed.

11. Item that all manner of persons that bringe any corne or graine to the markett of this Vniuersitie & Cittie of Oxon to be sold shall measure the same with the Common Markett bushels & measures & in the markett place & not with any other bushells or measures, nor any other where. And whereas we vnderstand that diverse of the Cittie of Oxford inhabiting in or neere the said Corne markett haue lately of their owne will without any approbacion from vs or our Vicechauncellor taken vpon them to keepe & set forth on markett dayes, publique bushells & measures for the measuringe of Corne and graine & take tole for the same without stint or limitacion sometimes a pint & halfe & sometimes a quart for the measuringe of a bushell, whereas the auntient laudable due is but the quantity of a quarter of a pint at the most for such measure. And also that divers

Malsteres, Bakeres & Breweres doe keepe in their private houses two bushells, a bigger wherewith to buy & a lesser to sell, whereby the Country people that bringe in their Corne and graine to the said Vniuersitie, are deterred to furnish the saide markett in regard that the measure of graine will not hold oute fully with the saide great bushells. We therefore for the future prevencion of the said inconveniences & for the better gouernement of the said markett, that there be no fraude vsed, doe by these presentes straightly prohibit the inhabitantes of the Vniuersitie & Cittie of Oxon, & all otheres resortinge to that markett from keepinge & settinge forth any publique bushell or any other measure or to receaue any tole or profit for the same. And also all Maulsteres, Bakeres & Breweres from keepinge in their houses any more then one lawfull & sealed bushell by which they shall sell as well as buy.

12. Item that to provide a sufficient & conuenient remedie for the premisses. We haue by our letteres pattentes vnder our seale appointed Christopher Divall, Inhabitant within the saide Vniuersitie, to look vnto the Cleansinge and sweet keepinge the Corne markett place & to provide a Competent and sufficient number of bushells & other measures, to be approved and sealed by vs or our deputies the Clerkes of the markett to measure the Corne & graine brought to the said markett & to take & receaue the iust and due Tole for the same, Viz. a Quarter of a pint for every bushell & not aboue. And wee will & require that no buyer or seller, or inhabitant within the Vniuersitie or Cittie of Oxon. (not exempt from paying of Tole) doe hinder denie or molest, him the saide Christopher Divall in the due and lawfull execution of the said office, and takinge the saide tole yppon penaltie to be punished as Contemners of the priuiledges & liberties of this vniuersitie & the governement of the same.

13. Item it shall not be lawfull for any Hucster liuinge and inhabitinge within the Vniuersitie or Cittie of Oxon and suburbes of the same or any other person whatsoever vnder colour of buyinge, keepinge or makinge provision for any Colledge or hall of this Vniuersitie or for any other person whatsoever priuiledged or not, or vnder any other pretence to buy obtaine or get into his handes or possession in this markett or within foure Miles thereof any pigges, geese, Capons, Hennes, Chickens, Conies, Fish, butter, Cheese, Egges, or other victuall whatsoever to sell the same againe in this markett or within foure Miles thereof, or to dispose of the same otherwise then for his owne vse & spendinge. And because Hucsteres haue proved the baine of the

markett, and their Cunninge devises by any former rules & orders heretofore published haue not beene sufficient met withall. Wee doe therefore hereby straightly prohibite all and every Hucster aforesaide from bringinge or placinge their wares, victualls and provisions, though bought without the foure miles afore mentioned, to be sold in the Common markett place, viz. vppon or neere Carfox or penyloes bench, but that they keepe and Containe them selues for the vtteringe their said wares and provisions in one proper place to be appointed and assigned from time to time, by vs or our Deputies which place for the present we appoint & assigne to be vnder the West wall of Christchurch, betweene the great gate thereof and Carfox, only so farre as that wall reacheth. And in case any Hucster aforesaide shall presume to place his said wares & provisions or put the same to sale elsewhere, then in the place formerly appointed and assigned (viz) under Christchurch wall or shall otherwise breake or violate any part or Clause of this Article, for every time so offendinge, he shall incurre the penalties of the statutes of this Realme in that behalfe provided & be farther proceeded against as a Contemner of the liberties and priuiledges of this Vniuersitie & the gouernement of the same.

14. Item whereas the greedie & over hastie covetinge of victualls in the buyer hath beene a great mean to encourage & Cherish Hucsteres, it shall not be lawefull for any person or persons whatsoever to buye of any Hucster any manner of provision aforesaide else where then in the place formerly appointed & assigned by vs nor before the same be brought & placed there openly to be sold vpon paine of forfeitinge for everie such said offence tenne shillinges & farther to be punished for Contempt.

15. Item that if any Butcher, Baker, Brewer, Poulterer, Cooke Manciple, Fruiterer, Hucster, or any other person whatsoever, shall be Convinced to Conspire against any Article, Clause or branch of this proclamacion whereby the same may not be duely executed attendinge to the true meaninge thereof, then every such Conspiratour so convinced, shall be punished accordinge to the lawes and statutes of this Realme.

And to the intent that every man to whome it appertaineth might know his duty & not by ignorance thereof incurre any of the saide penalties, we doe straightly charge & Commaund that no manner of person whatsoever doe rent, teare, or pluck downe, or any way deface this proclamacion, or any parcell thereof, but shall suffer it Continually to remaine in his place, vnder paine of

imprisonment & such other punishment, as shall be thought fit to be executed, vpon all & every the transgressour of this Commandement.

God saue the Kinge.

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This was proclaymed at Carfoxe vppon Wednesday beinge 17 December 1634 And vpon the satterday after some Hucsters of the Towne came downe to the place assigned to them vnder Christchurche wall with their wares, for a day or two & about Christmas day, they forsooke that place returninge to Carfox againe & came downe no more[1].'

Mr. Justice Jones's Report in the reference previously mentioned to Laud and the Earl of Berks, on this question of the market, was worded as follows: 'I thinke the Markett and things incident thereunto belong to the Towne, but they cannot take tolle of Corne, being not granted to them, but the Clarke of the Markett belongeth to the Universitie, and all fees that have been taken time out of mind are justifieable and may be taken, but if this tolle did begin within time of memory, it cannot bee taken of dutty unlesse of curtesie the (vendors) give it[2].'

May 9, A.D.1636.

The Great Charter of Charles the First to the University recites as Inspeximus, all previous Charters, thirty-eight in number, confirming all the privileges granted in them 'licet emergente aliquo casu usi non fuerint, sive etiam male usi,' and adds the following as regards the market:—

March 8, A.D. 163⅝.

'Nos volentes iisdem Cancellario &c. gratiam in hac parte facere ampliorem, pro nobis &c. dedimus et concessimus et pro presentes iisdem Cancellario &c. damus et concedimus quod prædictus Cancellarius &c. in perpetuum sibi ipsis et in solidum habeant gaudeant utantur et teneant Officium Clerici Mercati nostri &c. in dicta Universitate Oxon ejusque præcincta et in dicta Civitate Oxon ejusque Suburbiis per Cancellarium solum et ejus locum tenentem ad Deputatum ipsius hac in parte exequendum, ac gaudeant habeant et exequi faciant intra fines et limites prædictos Omnia et singula ad Officium Clerici Mercati nostri &c. pertinentia seu spectantia, ita quod non solum habeant totam et liberam Mercati ipsius ordinationem Gubernationem ac liberam dispositionem locorum et Stallorum ibidem aliorumque ab aliis

[1] Twyne's MSS. 16. 43-5. [2] C. R. (G. 11) 23.

separationem quorumcunque frumentum granum vel quodcunque aliud genus victualium aut ad ea conducentia sive spectantia sive etiam mercimonia aut alias res ibidem in mercato singulis Mercati diebus (ac aliis) vendentium seu venditioni exponentium, sive fuerint intra dictam Universitatem ejusque præcinctum aut intra dictam Civitatem ejusque Suburbia habitantes, sive Extranei, necnon quæcunque alia quæ ad temptationem mensurationem et ponderationem omnium rerum venalium ibidem spectant vel pertinent, cum omnibus et singulis proficuis et perquisitis quæ vel nunc vel aliquo alio tempore perceperunt aut ratione Executionis hujusmodi Officii Clerici Mercati percipere deberent aut poterint, et cum Theoloniis inde debite emergentibus, sed etiam totam ipsorum victualium aliorumque ad Victualin spectantium gubernationem ac debitam super his atque etiam forestallaribus regratariis et Ingrossatoribus (Anglice Ingrossors) inquisitionem correctionem et punitionem, simul cum omnibus quoque finibus forisfacturis amerciamentis et aliis proficuis inde provenientibus. Et quod nullus de Civitate Oxon aut Suburbiis ejusdem Justitiarius Pacis, Magistratus, aut Officiarius, aut quisquam alius virtute colore vel prætextu alicujus concessionis licentiæ vel authoritatis per nos hæredes vel successores nostros antehac factæ sive in posterum fiendæ præter ipsius Universitatis Cancellarium sive locum tenentem pro tempore existentem in Vinetariis intra Universitatem Oxon ejusque præcinctum aut intra Civitatem Oxon ejusque Suburbia licentiandis se intromittat, aut cuiquam ibidem potum cervisiam aut alia victualia vendendi vel cauponandi licentiam absque speciali ipsius Cancellarii vel Comissarii assensu et consensu prius habitis et obtentis concedat, quocunque Statuto actu ordinatione aut provisione in contrarium inde in aliquo non obstante. . . . . De carnibus etiam et piscibus putridis et corruptis aut quocunque aliorum Victualium genere Insalubri et Incompetenti, iidem Cancellarius &c. potestatem inquirendi (et) Scrutinium faciendi habeant, ita quod quotiescunque Cancellario &c. innotuerit aliquod hujusmodi corruptum aut Insalubre Victualium genus alicubi intra fines et limites prædictos esse vel existere ac Venditioni expositum vel exponendum, tum ipse Cancellarius &c. per seipsum vel seipsos vel Officiarios et ministros suos in eandem domum Shopam aut alium locum ubi tales carnes et pisces vel corruptum Victuale (ut prefertur) fore contigerit, licite et impune ingredi poterint et easdem carnes pisces et corruptum Victuale et eorum quodlibet capere seisire et secum asportare et in publico foro aut alibi intra fines et limites prædictos comburere aut ad aliquem alium usum secundum discretionem

suam convertere, et si aliqua persona vel personæ prædicto Cancellario &c. resistat aut resistere aut resisti faciat, quod tunc bene licebit iisdem Cancellario &c. hujusmodi personam sic resistentem imprisonare ad voluntatem Cancellarii &c.[1]'

A.D. 1637. The disputes however about the licensing privileges still continued, and in 1637 the Vice-Chancellor sent to Laud a list of ninety-four unlicensed alehouses within the City, which caused him to obtain a letter Oct. 27, A.D. 1639. from the King to the Mayor, expressly forbidding him to 'meddle with the licensing of any person to keep alehouses taphouses or victualling houses within the jurisdiction or liberty of the said University and City of Oxford, but that you leave the same to the Vice-Chancellor and other justices of the peace who are members of the said University[2].'

Nov. 19, A.D. 1639. The only mention of this in the City Records is an entry, 'At this Counsell his Mtie̅s. Lr̅es touchinge Alehouses directed to the Maior Bailliffes and Comm̅altie were openly read[3].' At that date there were more than 300 alehouses in Oxford, almost all of them licensed by the Mayor and City Justices, above 100 by one alderman, who bound them to take their beer of him[4].

Christmas Day in this year falling upon a Wednesday, 'the Mayor of Oxford stepped in before the University clerks and proclaimed no market. This he did, grounding himself (as it is conceived) upon the strength of Justice Jones his arbitration. In the which (though altogether beside the question) he told the Vice-Chancellor that he thought the market belonged to the City, though the government of it to the University[5].'

It may be this action of the Mayor's to which Ayliffe refers, when he says 'The Vice-Chancellor . . . now falling into discredit . . . gave the unruly Citizens hereby fresh Occasions of invading our Rights and insulting our Persons. For setting at nought the Power and Authority of the University Magistrates, they now appointed a Clerk of the Market out of their own Body . . . . and ascertained Prices on Candles at their own Pleasure[6].' At all events, I can find no mention in the City Records of any such appointment.

Twyne's account of this controversy is as follows:—

'A passage concerninge the Townes late takinge vppon them, the power & authoritie of makinge proclamations, concerninge the markett of Oxford &c. vppon St. Thomas daye 1639.

[1] C. R. (P. 21) 68, &c. On this copy of the Charter, vide supra, p. 47 (note). [2] Laud's History of Ch. p. 237. [3] C. R. (Q. 3.) 103 a. [4] Laud's Hist. p. 247. [5] Ibid. p. 250. [6] Ayliffe i. 211.

The Towne findinge themselves greiued at his Majesties letter, dischargeinge them from any further medlinge in the licencinge of Victuallinge houses &c. in November last 1639, and findinge againe that they could get no releife thereof by the Earle of Berkes, their stewardes meanes, they bethought themselues to presse his Lordship in another kinde, and that was, in regard that Judge Jones his orders, were not yet confirmed vnder the bindinge handes of my Lords Grace of Canterbury our Chancellor and the saide Earle of Berkes, nowe that matter should be sett forward in all hast, for as much as they hoped to be euen with the Uniuersitie againe in some other poynt which they could picke out of those orders &c. Herevppon, a little before Christmasse 1639, my Lords Grace, beinge called vppon by my Lord of Berkes, wrote to Mr. Vicechancellor, then beinge, about it, & for the Originall of those orders to be sent vp for that purpose to be confirmed by their Lordships. But Mr. Vicechancellor sendinge for me & vppon some conference therevppon, I yeelded him certayne reasons at that time, why I thought it not fitt to be done as yet &c. and the passage of that conference I haue sette downe elsewhere in my notes where it maye be read.

But nowe to drawe somethinge neerer to the present purpose amonge some other exceptions, which (if those orders should be thus confirmed) I founde at that time one was, that the Judge had sett it downe there, that the Markett & all thinges incident therevnto is the Townes &c. wherevppon Mr. Vicechancellor asked me what inconueniences would ensue therevppon if the market were the Townes. I replied, that then perhaps the Towne would therevppon take vppon them, to proclayme the market in their owne name to remoue it, or to alter & change the places of the market men &c. which would breed many other inconveniences, & besides it was directly against the kinges graunt made vnto vs in the newe charter, which my Lords Grace would not haue to be medled with all at that hearinge at Lambehithe, vppon which those orders were grounded &c. Wherevppon Mr. Vicechancellor satisfied his Grace about that point of confirmation of those orders, and no more was done therein &c.

But nowe to see howe soone after the Towne discouered their intentes, for Christmas day happeninge that yere 1639 vppon a Wednesdaye, which is the common market daye, and likewise newe yeares daye, and the clarkes of the market intendinge vppon St. Thomas daye beinge the Saturdaye before to proclayme the keepinge of the saide market vppon the Tuesdayes, beinge the Eues of those festiualls, (as euer they had formerly done vppon

any the like occasions) the Mayors Bellman (White) commeth into the market, about one of the clocke, vppon St. Thomas daye, and in 2 seuerall places, viz. at Carfoxe & about the Corne markett maketh this proclamation.

Mr. Mayor giueth notice to all whom it maye concerne, that in respect Christmasse daye happeneth on Wednesdaye next, the markett for this Cittie shall be kept on Tuesday.

Which beinge heard all abouts the markett folkes meetinge with the Clarkes of the market man (Jo. Shurle) asked him howe it came about that the Uniuersitie had lost their old priuiledge in proclaiminge the markett &c. And the rumor thereof comminge to the Clarkes of the market themselues, in a place thereabouts where they vse to resort to take prises & .... intend the market, they sent for the partie the Towne crier to come to them, & examined him, by whose authoritie he proclaymed the market. His answer was, that a Towne Seraient brought such word to him from the Mayor, so the Clarkes of the Markett takinge a coppie thereof dismissed him. And then a little afterwardes, at the vsuall time when they doe such matters, they sent for the Uniuersitie Bellman, & caused him to make proclamation of the markett againe, bothe for Christmasse daye and New yeres daye allso, to be kept vppon their seuerall Eues: acquayntinge the Vice-chancellor therewith. And when after newe yeres daye I repayred to Mr. Vicechancellor about another occasion, he put me in minde howe truely I had foretold him of the Townes catchinge hold of Judge Jones his order about the markett &c. and then told me all that had happened about it; which before that time I heard not of. But the Saturdaye next immediately before twelfe daye, I met with the Clarke of the market (Mr. Pixley of St. John's) of whom I receaued more particular information of the saide busi-nesse, as here it is related.

Memorandum, that Jo. Shurle then Seruant to the Clarkes of the markett, saide, that he had serued in that place about 25 or 26 yeres; and yet nuer knewe any such proclamation made by the Townes authoritie, before then: but only by the Clarkes of the markett.

Amonge the papers in Kemps chest lately transmitted by Dr. Frewen at his goeinge out of his office, vnto Dr. Potter &c. 1640.

On St. Thomas daye last 1639 Mr. Jo. Smith the present Mayor of Oxon, caused this proclamation to be made in the markett.

Mr. Mayor giueth notice to all whom it may concerne, that in

respect Christmasse daye hapneth on Wednesdaye next, the markett for this cittie shall be kept on Tuesdaye.

Ita testor Jo. Flud, Cler. mercatus.

Tobias Payne of Oddington, affirmes that Mr. Weeks of Magdalen parish in Oxoñ perswaded him & other Cuntry men not to paye toll, and auouched if any was due, it was due to the Cittie of Oxoñ, not to the Universitie.

Ita testor Jo. Flud, Cler. mercatus.

Allso the Towne, in their last leet held at Easter 1639, did enter vppon som enquiries proper to the Clarkship of the Market & amerced certaine Butchers for killinge of Calues vnder the age of 5 weekes old & contrary to the statute of the lande, 1° Jacobi c. 22, which beinge incompetent Victualls, falleth vnder the cognisance of the Clarke of the markett beinge the Chancellor of the Vniuersitie, and vppon the Satturdaye next & immediately before Michelmas daye 1640, they levied these amercements and the serieants distrayned vppon most of the Butchers Cleauers for the same, that they could scarce cutt out their meate &c. allso in the same leet they enquired after Beasts hides &c. to all which they are encouraged by the Judges decision of declaringe the market to be the Townes &c. and they haue an opinion themselues, that their Mayor is expressely sworne at the Exchecker, to the clerkeship of the markett &c. which is false. But betwixt these two misconstructions they are encouraged to intermitt in the markett.

The next yere after, viz. 1640, Christmas daye happeninge on a fridaye, the Vicechancellor then beinge (Dr. Potter) caused proclamation to be made that Wednesdaye market beinge to be kept vppon the proper daye, the Saturdaye market, which by ordinary course was to be kept that yere vppon St. Steuens daye, should nowe be kept vppon Thursdaye and so, this yere, bothe Wednesdaye & Thursdaye in Christmas Weeke should be the market dayes. Wherevppon Mr. Mayor then beinge (viz. Mr. Whistler a Baker) sent his Macebearer to the Vicechancellor to expostulate with him about it, and to tell him that he had w[r]onged the Towne in takinge vppon him to proclayme the market dayes, which belonged to him as Mayor of the Towne, and that he hoped that Mr. Vicechancellor had done so out of ignorance only, and mistakinge & no otherwise &c.

Vnto which Mr. Vicechancellor replied, and bid the Macebearer remember his loue to Mr. Mayor & to tell him that in pro-

clayminge the market he had done no more than that which properly belonged to his place, & which his predecessors haue formerly vsed to do &c. and that Mr. Mayor deceiued himselfe in thinkinge that he had done this out of mistakinge and ignorance for he did it vppon true and certayne knowledge that it was the Vniversities right. And so the Macebearer was dismissed. This happened in the parliament time, Mr. Whistler the Towne Recorder and Mr. Jo. Smith of Grantpole in Oxon beinge the Towne Burgesses in parliament vnto whom we thinke they sent word immediately about it.

But then twelfe daye happeninge that yere allso vppon a Wednesdaye viz. the 6 of January 1640 the Mayor thought to be euen with the Vicechancellor againe and vppon the Wednesdaye before, viz. the 30 of December (the Vicechancellor beinge then absent and gone vp to the parliament vppon some occasions beinge sent for) he sent his Bellman and proclaymed the twelfe daye market in three seuerall places to be held vppon the Tuesdaye and I thinke our Clarkes of the market did not proclayme it at all, and so they gott the Vantage of vs there, vnder what forme the proclamation was made, as yet I knowe not[1].'

June 24, A.D. 1640. The next year the Town wrote to the Earl of Berks, their Steward, complaining that the University invaded the Town privileges, and that they have only the name of mayor and magistrates; which complaint was met by a counter-complaint of the Vice-Chancellor: 'I marvel at their complaint against us for invading their liberties, when themselves are so notoriously guilty of daily attempts upon ours, without any colour of right at all for their so doing. Witness their intrusion into the office of clerk of the market . . . their refusing to be regulated by the vicechancellor (as heretofore) touching the price of their candles,' &c.[2] It was probably this letter which gave rise to Ayliffe's assertion. In answer to this an Order of Council was issued 'that the University should have the sole licensing of victualling-houses, in like manner as the University of Cambridge hath in the town of Cambridge,' and that the attorney and solicitor general should examine 'how the orders set down by Mr. Justice Jones for preventing of disputes and controversies between the University and City of Oxford have been observed, and by whom there hath been any defailer thereof admitted[3].' The Earl of Berks seems to have done his best to make peace, for the next year the Town Council

Sep. 24, A.D. 1641.

[1] Twyne's MSS. 16. 32-33. [2] Laud's Hist. of Ch. p. 273; Wood's Ann. i. 420.
[3] Laud's Hist. of Ch. p. 283.

agreed 'at the instance of a letter from our Honourable Steward' to a conference with the University authorities touching their differences[1].

The disputes, however, were continued during the end of the reign and the Commonwealth. Parliament was petitioned by the City, and complaints were made on both sides to the Committee for regulating the University[2]. In one statement of the City grievances occurs the following:—'The Markett the soyle and the Streetes belong to the Citizens, together with tolle stallage and piccage, yet the University clymieth all these, and divers times by pclamacon alter the Markett daies. Whereas the Universitie have only the Clerkshipp of the Markett, and the perquisitts and pfitts thereof belong to the City towards their fee farme rent[3].' This grievance, however, appears, from the answer of the University, not to have been pressed[4]. June, A.D.1649.

The next year representatives of the City were empowered to treat with a Commission appointed by the University and a draft of the City proposals was definitely agreed on[5]. In it occurs the following:— June 7, A.D.1650. Sep. 6.

> 'It is pposed that Brewers and Bakers, being ffreemen of the Citty, may sett upp their Trades without any License or Restraint from the University.' 'Touching Wine Licenses. This referred to a case to bee drawne up by ye University[6].'
>
> 'A petition from the Gardiners ffreemen of this Citty complaineing that divse Country people come into the Citty with Garden stuff all the dayes in the week as well as mkett dayes, w^h^ is contrary to the ancient usage and Custome of this Citty. It is now agreed that from henceforth the Country Gardeners and fforreners may sell any Garden Stuff on Wednesdayes and Saturdayes w^th^out interrupcon, and only pease on ffridayes, but for other dayes, they being not nor never haveing been accounted Mkett dayes in this Citty, the said Country people and fforriners shall not have any liberty to keep any standings in the mkett places or any other places of the Citty[7].' July 5, A.D.1661.
>
> 'Mr Mayor acquainted the house with a complaint made by Mr Morrall, who drawes wine in this City by vtue of a Lycense granted to him by the City, that he is required to take a Lycense from his Ma^tyes^ Com^rs^ who do as yet deny the City to have power to grant any. It is now agreed that Mr Morrall shalbe defended and saved harmlesse for his drawing wines by vtue of his said Lycense from the City at the Charge of the City. It is also agreed that Mr Recorder Croke will on behalfe of the City apply Oct. 31.

[1] C. R. (Q. 3) 118 *a*. [2] Ibid. 178, 179. [3] C. R. (G. 11) 36.
[4] Ibid. 46. [5] C. R. (Q. 3) 184 *b*. [6] Ibid. 187 *a*.
[7] Ibid. 289 *b*.

himself to his Ma^tie^s Com^rs, and plead the City right, and get an allowance of o^r rights in that p̄ticular as well for the other two Licenses as for Mr Morrall's, and if it prove necessary that the City must be defended by a suite of Law, that the Charge thereof shalbe borne by the City [1].'

July 4, A.D. 1664. 'The rents and p̄fitts' of Mr. Morrall's wine license were afterwards granted to Mr. Ald. Harris for his life [2].

Nov. 10, A.D. 1667. Soon after this the complicated disputes between the University and the City revived again, and the following order was made by the Town Council:—

'Whereas Daniel Prince one of the Serjeants of this Citie hath lately been Arrested upon the Vice Chancellor's warrant and carried to prison, and there deteyned for the space of tenn daies until he gave stipulac̄on, for placing the ffaires and Marketts of this Citie as in all tymes past hath been done by the Officers of this Citty, this house do Unanimously Agree to defend the said Prince, and for that purpose have ordered the Recorder to take care to have a plea drawn for the said Prince and therein to plead the ffreehold of the Citie or whatever other thing he shall be advised for the defence and mainteynance of our Just Rights [3].'

Jan. 3, A.D. 166¾. A 'friendly conference' was ordered to be held, and proposals on
Jan. 23. each side were drawn up, and articles of agreement were ordered to be
Jan. 6. sealed, and a treat to be given to 'the Vice Chancellor and the Doctors' on the occasion [4]. The meeting was held on the 22nd at the Bishop of Oxford's lodgings in Christ Church, and in a minute of the proceedings occurs: 'Concerning the Markett, Dr Yeates offered it as an expedient that nothing might be further disputed about it, but that all present differences concerning that should dye, which was generally agreed to on both sides [5].' The peace, however, did not last long, for

March 30, A.D. 1668. two months later the Mayor read a letter from the Vice-Chancellor, intimating the intention of the University 'to proceed this tearme in all the late differences that were lately composed,' and the City determined to defend their rights to the utmost [6]. A year later, the Mayor

Feb. 26, A.D. 166¾. and the previous Committee of the last year were re-appointed for the composing of the differences [7].

Nov. 13, A.D. 1669. 'Whereas we are informed, y^t several Butchers inhabiting the University, Citty, or Suburbs of Oxford have of Late sold great Quantities of Tallow to forreigners contrary to the good Laws &

[1] C. R. (Q. 3) 195 *b*. [2] Ibid. (Q. 4) 11 *a*. [3] Ibid. 46 *a*.
[4] Ibid. 61–3. [5] C. R. (G. 11) 97. [6] C. R. (Q. 4) 65 *a*.
[7] Ibid. 75 *a*.

Orders proscribed for ye regulating and well governing of the Markett of this University & city. For prevention of wch irregularity for the future, We do hereby give notice to all Butchers Cooks & Chandlers of this place that henceforth they sell not their Tallow to any forreigners upon pain of forfeiting the value thereof. Given under our hand & seale the day of

Whereas I am informed that several quantityes of Tallow are unduly removed and carryed from this University and city to the prejudice of ye Markett and contrary to the laws & customs of the said University, These are to require you to assist the Clerkes of the Markett in making diligent search in all Wharfes boats & suspected places within ye precincts of this University for ye said quantityes of Tallows, and if any such shall be found them to seize and secure till further order be given concerning them. And for so doing this shall be your warrant. Given this 13 day of November in the one and twentyeth year of ye reign &c. A.D. 1669[1].' [The latter half of this paper is in Vice-Chancellor Bathurst's hand.]

'Whereas it hath been observed, y^t^ the Common Brewers of this place, consulting more y^r^ own private gain then the health and benefit of others, have not of late years made ye Beer & Ale of equall goodness with that in former times: And whereas severall Complaints have been made to me of the unwholsomness both of beer & Ale, occasioned chiefly by the rawness of such worts as were never boyled, (the Ale-brewer (as I am informed) not boyling his first, & the Beer-Brewer his 2^d^ Wort) Whereby a mixture of crude and sweet, with bitter wort, both become less wholsome for man's body. For remedy whereof these are straitly to require and command all the publick Brewers of this place, upon forfeiture of their respective Licences, That after the 24th day of this instant moneth of June they and every of them well & sufficiently boyle, or cause to have so boyled, all their severall Worts for the making of double Beer, middle Beer, & Ale: and that they also take particular care, y^t^ the said sorts of Beer, and Ale, in all other respects, be made good & wholsome, & agreeable to the Assize which shall from time to time be Limited and presented them. Given under my hand this 22^d^ day of June 1676. Ra: Bathurst, Vice-Chan[2].' June 22, A.D. 1676.

The Butchers appear to have given constant trouble, since the destruction of the old Butcher Row by fire, in refusing to pay the 'pitching pence,' and constant orders were made by the Council 'to Oct. 11, A.D. 1666.

[1] MSS. in Univ. Arch. [2] Ibid.

demand of the Butchers and all others that sett Stalls or pitch any wares or goods in the marketts of this Citie and either of them the pitching pence which have customarily been paid to the Bayliffes of this Citie[1].' And the next year actions were commenced against them[2], but discontinued on the promise to pay, which, however, was not kept, for the order was repeated several times[3].

Oct. 10, A.D. 1687.

Oct. 28, A.D. 1689.

April 10, A.D. 1688.

'A difference being likely to arise about Mr Richard Walker's selling wine by a City License,' the Mayor and others were empowered to treat with the Vice-Chancellor 'and compose the same, if they can, without going to Law[4],' and, when no agreement could be arrived at, the City determined to defend their license[5].

May 7, A.D. 1692.

'Whereas her Majesty hath by her late Proclamation comanded that a general fast be kept throughout all England upon Wednesday next, Mr Vice-Chancellor doth hereby give notice to all persons concerned that the markett of this place be kept upon the next Teusday in any week, wherein the fast shall be observed and kept.

May 7, 1692. Fitzherb: Adams, Vice-Chancellr[6].'

Jan. 21, A.D. 169$\frac{2}{3}$.

'Whereas complaint has been made yt the Bakers of ye City & likewise those of the country frequenting this Market do make & expose to sale bread of uncertain prizes and Denominations & of Assises contrary to ye Laws of the Realme We do therefore will & require them & every one of them to keep to ye ancient Custome of Assise according to the Statutes in that case provided. And yt from and after the 1st day of Feb. next ensuing the date hereof they neither presume to make or expose to sale in the Market any other sizes of bread then what are hereafter mentioned, That is, any white loaf above the value of 2d wheaten bread but of the values of 3d and 6d Household bread of the value of 6d or 12d. Under penalty of forfeiting all such bread of other or greater denomination to be distributed amongst ye poor. The time of Xtmas only excepted.

Fitzherb. Adams, Vice-Chan.
Robt. Bartholomew, Clark Mar.
Benj. Cooper, Cla: Mar: Oxon[7].'

Jan. 21, A.D. 169$\frac{2}{3}$.

The like complaint being made to Dr. Painter, an order in these same words was published Jan. 21, 169$\frac{2}{3}$.

'Signed Will. Paynter, Vice chr.
Rob. Rous, Ben. Cooper } Cler. Merc. Oxon.'

[1] C. B. (Q. 4) 247 *a*. [2] Ibid. 258 *a*. [3] Ibid. 278 *b*. [4] Ibid. 263 *b*.
[5] Ibid. 265 *a*. [6] MSS. Assise Bk. Univ. Arch. [7] Ibid.

'Whereas the Bakers of the City and County of Oxford that frequent this market have been lately inhibited from making and exposing to sale Bread of larger Assize then two peny white and sixe peny wheaten and houshold, under the penalty of forfeiting all bread of other denomination to be distributed amongst the poor, which restraint upon the said several Assizes of bread hath been found inconvenient and incomodious both to buyers and sellers. Wherefore we have thought fitting to take off that restraint, and to allow the Bakers to make their bread of larger Assizes, upon which account all Bakers and others are to take notice that the Assize of all white, wheaten & houshold bread from this time forward is to be halfpeny, peny, two peny, sixe peny, twelve peny, and eighteen peny loavs, and the eighteen peny loaves are to weigh full three times the weight as the sixe peny loaves, and each sort to be marked with their respective prizes. Will: Paynter, Vice-Can:[1]' June 15, A.D.1699.

The Butchers, complaining that 'they were distreyned in svall marketts for Toll,' the Recorder was ordered to write to Lord Leinster and Lord Abingdon, 'in whose manors these distresses were taken[2].' Sep. 12, A.D. 1697.

A distraint was ordered to be levied on Richard Tombes for refusing to pay 'his Pitching or Stallage Pence as usually paid[3].' He remained, however, recalcitrant, for proceedings against him were again ordered, both in this year and the next[4]. Others must have followed his example[5], for the Mayor informed the Council 'that the present Bailiffs will be very deficient in the Pitching Pence,' and it was agreed 'that the same should be paid to them out of the Money in their handes ariseing from the five shillings a year by detaining so much in their hands as shall be sufficient to make up such deficiency[6].' Sep. 10, A.D. 1753. July 14, A.D. 1755. Sep. 22.

'Ordered that the Market at Gloucester Green for Cattle shall be Toll free, (except for Horses and Pigs[7]).' Dec. 12.

In this year an Act of Parliament was passed for the purpose, among other things of 'Removing Holding and Regulating Markets within the City' of Oxford. It contained a reservation of the right of the University 'to appoint or nominate one or more Clerk or Clerks of the said Market and otherwise to govern regulate and superintend the same, as heretofore accustomed with respect to the ancient Market Place or Places,' and the right of the City 'to such Pitching Pence or Tolls as have been heretofore paid to them or their Toll-gatherer by butchers, gardeners, and others.' A Committee of A.D. 1771.

[1] C. R. (Q. 4) 65 *a*. [2] Ibid. 354 *a*. [3] Ibid. (Q. 6) 120 *b*. [4] Ibid. 125 *a*. [5] Ibid. 144 *b*. [6] Ibid. 147 *a*. [7] Ibid. 152 *b*.

Management was to be appointed, consisting of six resident Members of the Convocation and six resident Members of the Town Council, 'to be nominated deputed and appointed' by each body respectively, and to 'continue to act until others shall be by' each body 'nominated deputed and appointed in their stead.' The Committee to have power to acquire property compulsorily, to levy tolls and rates, make and enforce bye-laws, &c.

The first members of the Committee were—Dr. Durell, Principal of Hertford College; Dr. Randolph, Principal of S. Alban Hall; Dr. Vivian (of C.C.C., M.D.); the Rev. (Tho.) Monkhouse (of Queen's), the Rev. Mr. Norman, and the Rev. Mr. Foster, to represent the University: Messrs. W. Wickham, J. Phillips, R. Tawney, R. Kirby, J. Thompson, and W. Elias Taunton (City Solicitor) for the City. They held their first meeting on June 12th, and at their next meeting on June 20th Messrs. Taunton and Thompson retired, Messrs. P. Ward and E. Tawney being appointed in their place, and Mr. Taunton appointed as Clerk with a salary of £10.

It is under this Act, as enlarged and amended by subsequent Acts passed in 1781, 1812, and 1835, that the Market is at present administered. But by the Local Government Act of 1888 the whole administration of the Market is transferred to the new Council for the City, reserving however the right of the University to appoint 'one or more Clerks of the Market.'

IV. UNIVERSITY OFFICIALS OF THE MARKET.

A.D.1355. After the massacre of S.t Scholastica's day, the Clerkship of the Market was bestowed by the King upon the University, and though some cavilling about it took place at various times, as has been previously narrated, the right of the University to it was never afterwards seriously impugned.

It is most probable that the office was administered at first by the Chancellor himself or his Commissary, for some years later, in a list of
April 20, A.D. 1427. the 'insignia' of the Chancellor, are included 'tres mensuras æreas pro granis, videlicet, unum modium, medietatem modii, et unam quartam modii: quatuor alias mensuras æreas pro liquoribus, scilicet unam lagenam, potellam, quartam, et unam pintam: duos cumulos ponderum de aurichalco, quorum unus sexdecim marcarum est ponderis "de Troy" et deservit pro pane et pecuniis ponderandis, et alius est quatuor librarum, et dicitur vulgariter "Lyggyng weight," et deservit pro

speciebus[1] et candelis ponderandis: duo æquilibras: unam virgam de aurichalco deauratam ad mensurandos pannos: duo sigilla ferrea, unum ad signandum mensuras ligneas pro granis, et aliud ad signandum ollas, et mensuras pro vino et cerevisia, et pondera plumbea pistorum et aliorum, et fiunt sigilla secundum formam capitis bovini[2].' The assise, however, of bread and beer was, at least in one year before this, recognised as part of the Proctors' duties, and the earliest appointment of any distinct market officials which can be gathered from the University Archives seems to be that of 'scrutatores pandoxatis,' who probably were identical with the 'supervisores cerevisiæ' as they were afterwards styled. They were appointed by Commissary Knollys in the following terms:—seeing 'multiplices enormitates et multiplicatas fraudes' caused 'propter defectum cerevisiæ, oneramus Johannem Weskew et Nicholaum Core scrutatores pandoxatis subscriptis, quod ipsi diligenter et sine fraude singulis septimanis verum faciunt scrutinium in præmissis, et si aliquem . . . noverint . . . probabiliter defectivum, vel . . . negligentem . . . infra tres dies denuntiabant sub pœna quadraginta solidorum . . . et sub pœna carceris, si expediens videatur.' And the twenty-five taverners who had been summoned by the Commissary took oath 'quod . . . bonam cerevisiam et salubrem pandoxarent, secundum assisam concurrentem[3].' It helps one to believe that this was the first appointment of such officers, that convictions begin to be recorded soon after this date.

Vide supra, p. 54.

Aug. 17, A.D. 1434.

Vide supra, p. 55.

The next appointment of which any mention is found was in 1454, when the following officers for the year were appointed by the Proctors[4]:—

July 6, A.D. 1454.

Supervisores panis.	M. (John) Grafton (All Souls, Reg. i. 7). M. (Thomas) Bemysley (Reg. i. 18).
,, vini.	M. Hanyton. M. (Thomas) Chambour.
,, cerevisiæ.	M. (William) Brewere (Reg. i. 18). M. (Robert) Masone (of New, Anst. Mun. Ac. ii. 729)[5].

In the next year were similarly appointed:—

A.D. 1455.

Supervisores panis.	M. (Robert) Abdy (of Ball., R. i. 24). M. (Thomas) Dulcyng (Reg. i. 12).
,, vini.	M. (John) Treganesewyn vel Treganson (of Exeter, R. i. 9). M. (William) Straynton (Reg. i. 24).

[1] 'spices,' Du Cange.
[2] Anst. Mun. Ac. i. 284.
[3] Ibid. ii. 506.
[4] A. 4. 5. 13*b*.
[5] The christian names, colleges, &c., inserted in brackets are conjectural, and the references to the Register show on what the conjecture in each case is founded.

Supervisores cerevisiæ. M. (Thomas) Cambynge (Reg. i. 6). M. (John) Thorpe (of Linc., Reg. i. 25)[1].

The leaf containing the appointments for the next year has perished.

Oct. 17, A.D. 1457. Supervisores panis. M. (Robert) Lawson (Reg. i. 21). M. (Richard) Crooke (Reg. i. 27).

„ vini. M. Rich. Grene (Reg. i. 12). M. Will. Barett (Reg. i. 24).

„ cerevisiæ. M. (Stephen) Berworth (of All Souls, Reg. i. 12). M. (James) Haryndon (Reg. i. 24)[2].

A long interval now occurs in the University Registers, and no information is to be obtained from them until the year 1507, when

July 6, A.D. 1507. 'deputati sunt Officiarii' (without any mention of the Proctors making the appointments)[3]:—

Supervisores marcati. M. (John) Bulgyn (of Merton, Reg. i. 47). M. (John) Style (of Magd., Reg. i. 46).

„ vini. M. Warton. M. (Richard) Bedoo (of All Souls, Reg. i. 39).

„ cerevisiæ. M. (Walter or John) Wright (Reg. i. 60–61). M. Jenyns.

July, A.D. 1508. Post Penthecosten, ultimo die Termini deputati sunt officiarii:

Supervisores marcati. M. (John) Gregory (of Magd., Reg. i. 38). M. (John) Farlam (Reg. i. 55).

„ vini. M. (Ralph) Barnacke (Reg. i. 52). M. Markolte.

„ cerevisiæ. M. (John) Hews (of Merton, Reg. i. 50). M. (John or William) Damporte (Reg. i. 39, 42)[4].

The entry for the next year is missing: (there is a note in the MSS. in A. Wood's handwriting, 'here are severall leaves torn out'):

July 10, A.D. 1510. Supervisores marcati. M. (Richard) Wynsmore (of Magd., Reg. i. 54). M. (Richard) Walcar (of Merton, Reg. i. 298).

„ vini. M. (Richard) Perkushust (Reg. i. 41). M. (William or Richard) Symons (of All Souls or Merton, Reg. i. 298).

„ cerevisiæ. M. (John) Parkhowse (of Exeter, Reg. i. 45).

[1] A. a. 5. 89 *a*. [2] Ibid. 106 *a*. Anst. ii. 749 prints the names incorrectly. [3] G. 6. 44 *a*. [4] Ibid. 59 *b*.

M. (John?) Olyuer (of Ch. Ch.? Reg. i. 99)[1].

Ultimo die Termini deputati sunt officiarii : July, A.D. 1511.

Supervisores marcati. M. (Thomas) Stoke (of Oriel, Reg. i. 70).
M. Hyde.
„ vini. M. (Richard) Walcar (of Merton).
M. (Thomas?) Lewys (Reg. i. 94).
„ cerevisiæ. M. (John) Parkhowse (of Exeter).
M. (Walter) Marwyn (of All Souls, Reg. i. 298)[2].

Supervisores marcati. M. (Ralph) Barnacke (see 1508). July, A.D. 1512.
M. (William) Knigth (of Merton, Reg. i. 43).
„ vini. M. (John) Pollyn (of Merton, Reg. i. 45).
M. (Thomas) Angewyn (of New, Reg. i. 50).
„ cerevisiæ. M. (John) Nores (of Merton, Reg. i. 47).
M. (John) Morcomne (of Hart Hall, Reg. i. 46)[3].

It will be observed that the title of the market officials to this date was 'supervisores,' which appears to express their position more accurately than that of 'clerici,' which was henceforth adopted, for what reason it is not clear. They never were in the strict sense of the name 'Clerks of the Market,' but merely 'deputati,' at first appointed distinctly by the proctors, and it is most probable that this mode of appointment was continued for some time, because the assise of bread and beer was, at least on one occasion, distinctly assigned to the proctors, and the colleges from which the officials were nominated, point distinctly to a proctorial nomination. For instance, in the year 1512 last named, the proctors were from New College and Merton respectively[4].

Ultimo die termini deputati sunt Officiarii :

Clerici marcati. M. (Thomas) Gylpurne (of New, R. i. 298). July, A.D. 1513.
M. (John) Salter (R. i. 53).
Supervisores vini. M. (John) Pollyn (of Merton).
M. (Thomas) Tomsone (R. i. 77).
„ cerevisiæ. M. (John) Parkhowse (of Exeter).
M. (John) Newtone (of Queen's, R. i. 60)[5].

Ultimo die &c. :

Clerici marcati. M. (Richard) Keyley (R. i. 65). July, A.D. 1514.
M. (John) Salter (see 1513).

[1] G. 6. 97 *b*. [2] Ibid. 129 *b*. [3] Ibid. 151 *b*.
[4] Wood's Fasti p. 75. [5] G. 6. 188 *b*.

Supervisores vini. M. (John or Robert?) Borrell or Barratt (of New?, R. i. 71, 56).
M. (John) Farnwall (of S. M. Hall, R. i. 48).
„ cerevisiæ. M. (Robert?) Hanyson (R. i. 117?).
M. (John) Fayrwall (R. i. 64)[1].

July, A.D. 1515. Ultimo die &c.:
Cl. marc. M. (William) Mane (of Lincoln, R. i. 80).
M. (Roulond) Jux (of New, R. i. 72).
Sup. vini. M. (Thomas) Flowro (of Lincoln, R. i. 73).
M. (Roger) Stokeley (of All Souls, R. i. 61).
„ cerev. M. (Nicholas) Kyme (of Lincoln, R. i. 78).
M. (Roger) Byrkyn (of New, R. i. 71)[2].

July, A.D. 1516. Ultimo die &c.:
Cl. marc. M. (John) Pullyn (of Merton).
M. (Thomas) Angewyn (see 1512).
Sup. vini. M. (Thomas) Ffykys (of New, R. i. 75)[3].
[No other entry.]

The volume of the Register ends here, and between this and the next volume there is a gap, in which the officers of 1517 are lost.

July, A.D. 1518. Officiarii deputandi ultimo die termini:
Cl. marc. { M. (John) Crosto(n?) (R. i. 96).
{ M. (Thomas) West (R. i. 79?).
{ M. (John) Plastede (R. i. 82).
{ M. (Robert) Hopton (of All Souls, R. i. 71)[4].

[No explanation is offered of there being two sets of clerks this year; possibly the omission of last year might have been noticed, and one of the two sets belong to 1517.]

Sup. vini. M. Hoper [only one entry].
„ cerevisiæ. M. (John) Knyȝthley (of Oriel, R. i. 78), (only one entry).

A.D. 1519. The officers of 1519 are not entered, though the usual notice is entered at the commencement of the next term:—

'Prima congregatione post festum S^ti^ Michaelis omnes officiarii Universitatis prout moris est suorum officiorum resignationem congregationi commiserunt, et denuo in eadem congregatione ad sua officia re-admissi fuerunt[5].'

July 15, A.D. 1520. Cler. mcati. M. Thomas Walysy (R. i. 96).
M. Joannes Smyth, Coll. Magd. (R. i. 87).
Sup. vini. M. Thomas Abell (R. i. 86).
M. Johannes Cloterboke (R. i. 82).

[1] G. 6. 239 *a*. [2] Ibid. 262 *b*. [3] Ibid. 298 *b*.
[4] H. 7. 2 *a*. [5] Ibid. 28 *b*.

Sup. cerev. M. Rogerus Smythe (R. i. 90).
M. Thomas Blatysforth (of All Souls, R. i. 101)[1].

Officiarii designati ult° die termini : July 11, A.D. 1521.
Cler. merc. M. (Gilbert) Hoskyns (R. i. 100).
M. (Osmund) Hylling (R. i. 102).
Sup. vini. M. (Thomas) Langley (R. i. 103).
M. (George) Owen (of Merton, R. i. 120).
„ cerevis. M. (James) Umfrey (R. i. 98).
M. (Thomas) Raynolds (R. i. 107)[2].

Deputati sunt Officiarii pro anno futuro : July 21, A.D. 1522.
Cler. merc. M. (Nicolas) Freman (of All Souls, R. i. 98).
M. (Arthur) Cole (of Magd., R. i. 105).
Sup. vini. M. (William) Langley (R. i. 101).
M. Smy3the se^or.
„ cer. M. (Michael) Sutton (R. i. 97).
M. (Henry) Gardner (R. i. 117)[3].

Cler. marc. M. (Arthur) Cole (see 1512). July 28, A.D. 1523.
M. (Richard) Dow3te (R. 105).
Sup. vini. M. (Thomas) Marshall (R. i. 106).
M. (Thomas?) Bassatte (of Lawrence Hall?, R. i. 84).
„ cer. M. (Henry) Gardner (see 1522).
M. (Richard?) Browne (R. i. 99)[4].

Deputati ultimo &c. : July, A.D. 1524.
Cler. merc. M. (William) Vrban (R. i. 111).
M. (John) Moxee (of Exeter, R. i. 115).
Sup. vini. M. (John) Chirchyard (R. i. 92).
M. (Bartholomew) Michell (of Exeter, R. i. 108).
„ cerev. M. (William) Menfylde (R. i. 102).
M. (Henry) Whityng (R. i. 112)[5].

As before: July 16, A.D. 1525.
Cler. merc. M. (John) Pereson (R. i. 106).
M. (Richard) Champyon (of Card. Coll., R. i. 112).
Sup. vini. M. (Henry) Whytyng (see 1524).
M. (John) Colyns (R. i. 114).
„ cerev. M. (John?) Becham (of All Souls?, R. i. 115).
M. (John) Bramley (R. i. 114)[6].

As before: July, A.D. 1526.
Cler. marc. M. Jo. Rose (R. i. 109).
M. Wi. Sutton (R. i. 118).

[1] G. 6. 45 *b*. [2] H. 7. 69 *b*. [3] Ibid. 94 *a*.
[4] Ibid. 113 *b*. [5] Ibid. 129 *a*. [6] Ibid. 142 *a*.

Sup. vini. M. (Thomas) Duke (of New, R. i. 124).
M. (Richard) Cocks (R. i. 140).
„ cerev. M. (William) Pounsett (R. i. 117).
M. (Henry) Sumner (R. i. 140)[1].

As before:

July 8, A.D. 1527.

Cler. marc. M. (Robert) Perkhust (R. i. 112).
M. (John) Rixman (of Oriel, R. i. 117).
Sup. vini. M. (Richard) Coxe (see 1526).
M. (Roberte) Charde (of Oriel, R. i. 115).
„ cerev. M. (Richard) Parker (R. i. 105).
M. (John) Bromley (see 1525).

The following are examples of proceedings in the Court of the Clerk of the Market at this date:—

'xvj° die Nouembris comparuerunt coram nobis Edmundus Fryshe, et Willielmus Clare Junior, Balliui Oxoñ quibus mandauimus ut xix° die nobis ostenderent rationabilem causam quare non punirentur eo quod eodem xvj° die coram nobis Clerico Mercati secundum priuilegium Regium venire non fecerunt 18 homines ad inquirendum in guilda Aula Villæ prædictæ iuxta effectum ac tenorem mandati nostri eisdem legitimè missi ℟. p. 142. 2, anno 1527. Johanne Cottisford Commissario.

2° die mandauimus dictis balliuis ut Edmundus Fryshe nomine pœnæ castrum adiret ante horam xj^mam^ eiusdem diei, ac Willielmus Clare Junior carcerem Bocardo appellat. adiret hora prædicta usque ad beneplacitum nostrum, ℟. p. 142. 2, anno 1527.

29 die Nouembris Judex iniunxit Willelmo Falowfeld sub pœna iuris ut non intromitteret se in aliquibus rebus in mercato Oxoñ. ℟. p. 137. 2. Commissarij Dr Cottisford et iste Falowfeld tunc Balliuus Oxon. scil. anno Henr. 8^i^. xx°.

xij° die Aprilis (eodem anno scil. xx° Henr. 8^i^) comparuerunt coram nobis Magister Robert Purueyour, et Magister Willelmus Wylton. Magister Artium præfecti annonæ qui accusauerunt Willelmum Clare Seniorem Oxoñ quod carnem ut reuenderet emerit, et Ricardum Westcroft seu huius rei accessorium quod is colludebat carnem suo emens nomine quam mox dicto Clare vendidit, super quibus fide facta per testes satis idoneos ut inferius patebit, nos decreuimus carnem forisfaciendam et forisfacimus, amerciandosque esse eos, reseruata nobis illius taxatione: Ricardum autem Westcroft in carcerem mitti volumus et decernimus ad nostrum beneplacitum. p. 169.

[1] H. 7. 106 *a*.

Thomas Couper.

Interrogatus an viderit Ricardum Westcroft ementem Bouillam carnem: respondit se vidisse: quantum? medium bouis: qua hora? 2^{a}. quanti? x^{s}. 4^{d}.

Elinghatn.

Interrogatus an vidit ementem Sadlar, respondit, halfe an oxe, hora 3^{a} An die mercurij Conatus sit Clare emere Ouillam carnem, respondit quod sic, and there was 2^{d} betweene them.

Townsyn.

Num viderat ementem nihil emisso respondit: at cum die mercvrij cont' armum empturus Vitulinum vtrumque emisset ob duos denarios dixit non pudet offerre pecuniam tam vilem tribus (?) et post dictum illud non potuit emisse minori pretio quam denarijs 3^{bus}.

Interrogationes Ministratæ per Magistrum Lyndsey Commissarium deputatum.

Interrogatus Clare an carnem à Ricardo Westcroft emisset, respondit, quod sicquam portionem: respondit 4^{am} bouis partem the fore quarter: quo animo? ut iterum venderet. quanti emit? v^{s} 2^{d}.

Interrogatus de carne ouilla quam emerat die sabbati, respondit se emisse ut familiam aleret. Num oues habebat venales et vendibiles, quod non. Num esset conatus die Mercurij emere à forensibus respondit se vitulinam velle, non Ouillam aut Bouillam.

xiij die Aprilis comparuit coram nobis Willielmus Clare Senior Oxoñ satisfaciendo termino sibi assignato ad comparendum quo die taxauimus et taxamus eundem Willelmum amerciandum esse in 3^{s}. 4^{d}. soluendis hora j^{a} diei subsequentis sub pœna iuris, ex certis tamen causis nos mouentibus, nempe quod humiliter nostris obtemperauit mandatis duximus pœnam moderandam et remittendam fide prius ab ipso præstita ne posthæc tale facinus committat.

xiiij^{o} die Aprilis extractus de custodia Ricardus Westcroft comparuit coram nobis quem ob Regratationem carnium in foro seu saltem quod esset huic accessorius taxauimus amerciandum in xx^{ti} denarijs et quod iterum tale facinus non perpetraret sub pœna $4o^{s}$ præter alias pœnas imponendas: eundemque ex eo quo pertinax fuit in nos verbisque fuerit vsus opprobriosis nempe quod dixit se missum in carcerem propterea quod nobis 16^{d} dare recusabat: adhæc quod se impedire velle quo minus qui annonam asportant nundinas frequentent asserere publicè coram nobis non

est veritus in carcerem mittendum condemnauimus et condemnamus ad nostrum beneplacitum.

Eodem die comparuit coram nobis Stephanus Crosseley de Kydlynton qui asserebat se interpellasse Ricardum Westcroft ut emeret carnem bouillam die Sabbati medium bouis, adiecitque se iussisse ut dictus Ricardus in diem Dominicam aut lunæ reseruaret.

j° die Septembris comparuit coram nobis Robertus Dauis Satelles prætoris ac confitebatur se mandasse cuidam vendenti ostrea ut non venderet ea ad mandatum Domini Cancellarij iuxta taxationem eiusdem Cancellarij et recessit contumaciter sine licentia eiusdem Vice Cancellarij vnde nos decreuimus præfatum Robertum in scriptis fore suspendendum.

2° die Septembris comparuit coram nobis .... Cokrell pistor albus per clericum mercati detectus de forstallatione frumenti.

A.D.1530. 6° die Martij comparuit coram nobis Magister Twogood Clericus mercati qui accusauit quendam Johannem Belt Vilianum eo Videlicet quod quasi mercati Regratarius emere voluisset ostrea a quodam vectore et eadem suo pretio statim communitati vendidisset et pleraque alia huiusmodi sic sæpe emere ac suo pretio vendere solitus esset in præiudicium communitatis et contemptum priuilegiorum Vniuersitatis plurimaque verba minatoria protulisset malitiam suo facto addendo, vnde Judex ex suo officio communitati prouidens ac malitiam huiusmodi compescens dictum Belt carceri mancipauit quo usque suum benepl' de soluendo et relaxando eum dictus Belt audiret, anno 1528, aut circiter[1].'

Vide infra, p. 101.

July 22, A.D. 1528. As before:

Cler. merc.	M. (Thomas) Duke (of New, R. i. 124).
	M. (John) Marlowe (of Merton, R. i. 145).
Sup. vini.	M. (Edward) Sepham (R. i. 133).
	M. (William) Pounsett (R. i. 117).
„ cerev.	M. (Thomas) Silke (R. i. 117).
	M. (Edward) Selwood (of New, R. i. 117)[2].

July, A.D. 1529. As before:

Cler. merc.	M. Norton (erased).
	M. (John) Burges (R. i. 133).
Sup. vini.	M. (Dunstan) Lacy (R. i. 134).
	M. (William) Bothe (R. i. 133).
„ cerev.	M. (William) Burley (of New, R. i. 137).
	M. (John) Wodd (of All Souls, R. i. 127)[3].

[1] Twyne's MSS. 16. 114-5. [2] H. 7. 199 *b*. [3] Ibid. 218 *a*.

As before: July 18, A.D. 1530.
Cler. merc. M. (John) Ffoster (R. i. 137).
M. (Edward) Toogoode (R. i. 141).
Sup. vini. M. (Thomas) Benson (R. i. 142).
M. (John) Jenys (R. i. 140).
„ cerev. M. (Henry) Markam (R. i. 141).
M. (John) Kydson (of Balliol, R. i. 141)[1].

Hitherto all the University 'Officiarii' were 'deputati,' but after this year the entries run:—

'Deputati et electi sunt Officiarii &c.: July 22, A.D. 1531.
Cler. merc. M. (John) Howell (of All Souls; R. i. 144) } (erased).
M. (Thomas) Hawslyne (R. i. 128) }
Sup. vini. M. (Richard) Whyte (R. i. 145).
M. (Roger) Bromwell (R. i. 149).
„ cerev. M. (Thomas) Key (of All Souls, R. i. 143).
M. (John?) Shereye (R. i. 154? see 1533)[2].
'Officiarii deputati et electi': July 24, A.D. 1532.
Cler. merc. M. (John) Walker (of New, R. i. 132).
M. (Thomas) Askotte (R. i. 149).
Sup. vini. M. (John) Pollet (R. i. 159).
M. (John) Graynfylde (R. i. 153).
„ cerev. M. (John) Maydon (R. i. 169).
M. (William) Brodbryge (of Magd., R. i. 151)[3].
Officiarii electi ult° die termini: July 16, A.D. 1533.
Cler. merc. M. (Edmund) Cooper (R. i. 146) (erased).
M. (Edward?) Baile (R. i. 162?).
Sup. vini. M. (James) Marble (R. i. 154).
M. (John) Shepre (R. i. 154, see 1531).
„ cerev. M. (William) Fylpot (R. i. 154).
M. (Hugh) Weston (of Lincoln, R. i. 161)[4].

There are no entries made in the Register of the officials for the year 1534, at the close of which Mr. Key (see 1531) was appointed Registrar, and expelled from the office in 1552 for his negligence in keeping the Register, among other offences[5].

Nomina Officiariorum deputatorum ultimo &c.: July, A.D. 1535.
Cl. m. M. Leonardus Arden (of C.C.C., R. i. 164).
M. Galfridus Bryce (R. i. 183).
Sup. vini. M. Ric. Powle (R. i. 154).
M. Robtus Hodgeson (R. i. 158).
„ cer. M. Ric. Haydon (R. i. 167).
M. Ric. Lylly (R. i. 162).

[1] H. 7. 237 *b*. [2] Ibid. 253 *a*. [3] Ibid. 273 *b*.
[4] Ibid. 292 *b*. [5] R. i. Pref. p. vi. [6] I. 8. 7 *a*.

A.D.1536. 'Officiarii deputati &c.':
Cl. m. M. (Thomas) Roberttts (of Oriel, R. i. 160).
M. (William) Jackson (R. i. 163).
Sup. vini. M. (Humfry) Bumford (R. i. 162).
M. (Laurence) Blockley (R. i. 162).
„ cer. M. Simon Perrett (of Magd., R. i. 170).
M. (Thomas) Louell (R. i. 164)[1].

A.D.1537. 'Deputati &c.':
Cl. m. M. (George) Atwell (R. i. 176).
M. (William) Jacson (see 1536).
Sup. vini. M. (Michael) Yong (R. i. 175).
M. (Christopher) Worsley (of Balliol, R. i. 141).
„ cerev. M. (Robert) Coosyn (of Balliol, R. i. 174).
M. (Thomas) Lowell (see 1536)[2].
No entries of officers occur in 1538.

A.D.1539. 'Deputati &c.':
Cl. m. M. M. (Robert) Holmes (of B.N.C., R. i. 183)
M. M. (William) Browne (of Mert., R. i. 170)
} (erased).
Sup. vini. M. Jo. Lyllyngton (R. i. 180).
M. Guli. Randall (of Hart Hall? R. i. 187).
„ cer. M. Tho. Taylour (R. i. 177).
M. Jo. Tomson (R. i. 180)[3].

A.D.1540. The same re-appointed.
There are no entries for 1541, 1542[4].

A.D.1543. 'Nom. off. dep. &c.':
Cl. m. M. (Nicolas) Hobbys (R. i. 143).
M. (John) Rumsey (of Oriel, R. i. 186).
Sup. vini. M. (Robert) Endall (of Exeter, R. i. 190).
M. (Edmund) Wulf (of Card. Coll., R. i. 141).
Sup. cer. clerici mercat[5].

There is no entry for 1544. From this date to 1630 the names in this list are taken from Mr. Clark's list[6]. The 'supervisores' died out about this time, the only other entry occurring being for 1552, which is inserted below.

A.D.1545. (Thomas) or (John) Symons (R. i. 196, 197); (John) Redman (R. i. 188).

30 Sep. 1562 (William) Ely, Bras. (R. i. 212); (William) Good C.C.C. (R. i. 218) supervisores vini et cerevisiæ constituuntur,

[1] I. 8. 17 *a*. [2] Ibid. 26 *b*. [3] Ibid. 52 *a*.
[4] Ibid. 62 *a*. [5] Ibid. 93 *a*. [6] Reg. Oxon II. pt. i. p. 253.

M. (Thomas) Coveney (R. i. 213); M. (Randall or Ralph) Trevor (of Ch. Ch., R. i. 214) jurati[1].

I have not been able to find any Statute concerning the appointment and duties of the Clerks of the Market earlier than the time of Edward VI. In an imperfect transcript of the Statutes issued by the Commissioners appointed in his reign occurs a chapter headed— A.D. 1547–50.

'"De electione Procuratorum et Clericorum Mercati." Procuratorum electio postridie Michaelis erit, quo tempore Procuratores anni præteriti munere suo se abdicabunt, et confestim posteaquam illi ab hoc munere discesserint, sine ulla intermissione ad electionem novorum procedatur ad hunc modum. Cancellarius duobus magistris artium senioribus assumptis in scrutinio stabit, et sua ipsorum conscripta svffragia primi ferent, deinde omnium aliorum Regentium suffragia scripta accipient, quæ senior Magister artium aperte et separantim leget, illique procuratores aut taxatores erunt, quos major pars præsentium suffragiis suis elegerit[2].'

In this, notwithstanding the heading, no mention whatever is made of the Clerks of the Market, unless the words 'aut taxatores' might be supposed to designate them. The 'taxatores' were a quite distinct class of officers in Oxford, being four men appointed by the Proctors in Michaelmas Term to enter in schedules 'taxaciones omnium domorum et scolarum quas illo termino taxaverunt cum distinctione parochiarum[3].' The word, therefore, in the Statute quoted can hardly apply to them. I am informed, however, by the kindness of Mr. Grant, Deputy Registrary of Cambridge, that the 'Taxors' of that University (abolished in 1856) 'were practically Clerks of the Market[4], and their duties were mainly to keep the standard weights and measures, which were used to compare and test the weights used by the tradesmen in the town. They were appointed "ad taxandum domos et assisas faciendum." They nominated two wardens, whose duty was to ascertain the price of wheat in the weekly markets. They were nominated by the Colleges in the cycle of Proctors.'

It may be suggested therefore, without great improbability, that the title of the Cambridge officers crept by some mischance into the transcript quoted, to designate the Clerks of the Market:

Jan. 15, 155$\frac{3}{4}$ (John) Hogeson (R. i. 216) vice Ely.

May 5, 1554 (William) Good: & (William) Collynge (R. i. 216).

[1] I. 8. 133 *a*. [2] Bodl. Arch. E. 80.

[3] A. i. 180. See on these officers Wood's Ann. i. 255.

[4] So Wood, l. cit. 'whose office is all now as one with those whom we call Clerks of the Market.'

July 16 (18?), 1554 (Francis) Alforde (K. i. 218) and (John) Collynge (R. i. 220).

Feb. 21, 155⅘ (Richard) Ducke (R. i. 216) vice Alforde 215.

July 31, 1555 (Christopher) Grenwell (R. i. 223); Henry Michel (R. i. 221).

A.D.1556. The first Statute I have discovered concerning the duties of the Clerks of the Market is in a transcript in the Bodleian of 'Statuta edita tempore Reginaldi Poli Cancellarii regnante Maria Regina:'—

> '"De Clericis Mercatus et Annonæ provisione." Clerici Mercatus tales eligantur, qui Annonæ omniaque ad victus et vestibus necessitatem et commodum spectant in experientiam habeant (*sic*), et qui fideliter ac diligenter officium sibi injunctum sciant possint et velint adimplere. Ad ipsos autem maxime spectabit providere ne qua fraus in mensuris et ponderibus ac qualitate omnium victualium et eorum quæ ad vestitum pertinent committatur, statutaque et ordinationes super his edita observent; et cum istic plerumque rerum omnium charitas maxime vigeat, Commissarius curet ad se vocare Præsides Collegiorum et alios ex ipsa Universitate quos harum rerum magis positos cognoverit, et cum illis consulat quæ ratio iniri possit, ut vilior annona reddatur[1].'

[The statement of high prices especially prevailing in Oxford is worth notice.]

Oct. 11, 1557. (George) James (Reg. i. 217); (Brian) Nedam (Reg. i. 231).

Nov. 3, 1558. (Nicholas) Fox (Reg. i. 220); Adrian.

Nov. 9, 1558. (Christopher) Gill *vice* Fox (Reg. i. 227); (William) Chamberlyn (Reg. i. 223) *vice* Adrian.

Nov. 3, 1559. (William?) Rooks (Reg. i. 218); (Humphrey) Halle (Reg. i. 226).

Oct. 10, 1560. (John) Watkins (Reg. i. 229); (Henry) Atwood (Reg. i. 233).

Oct. 10, 1561. (William) Leche (junior) (Reg. i. 233); (John) Watkins.

Oct. 10, 1562. (Humphrey?) Hall; (Richard) Peercee (Reg. i. 230).

Oct. 11, 1563. (Hugh) Shepplee (Reg. i. 238); (Robert) Midlemore (Reg. i. 240).

May 8, A.D.1563. 'Decretum est in celebri congregatione magistrorum regentium omnes mensuras (*sic*) et pondera aut reparentur aut de novo emantur, idque ex sumptibus ipsius Universitatis[2].'

[1] Arch. F. 83. [2] I. 8. 208 *b*.

Oct. 10, 1564. (Thomas?) Randall (Reg. i. 214); (William) Marshall (Reg. i. 232).

Oct. 10, 1565. Robert Lister; Edward Harris.

Oct. 10, 1566. George Atkinson; Christopher Young.

Oct. 10, 1567. John Badger; Robert Lister.

Oct. 12, 1568. (John) Dallaber (Reg. i. 246); (Francis) Willies (Reg. i. 250).

Oct. 10, 1569. (Christopher) Smale (Reg. i. 239); (William) Beale (Reg. i. 249).

Oct. 10, 1570. (Thomas) Williams; (William) Stawhton.

Oct. 10, 1571. Thomas Wylliams; William Stoughton.

Oct. 10, 1572. { Thomas Wylliams; William Stoughton. / Alexander Brycken; Robert Wyckare.

Oct. 10, 1574. William Chaffant; (Thomas) Cooke.

Nov. 3, 1574. (Thomas) Hixon, Ch. Ch., *vice* Chaffant.

Oct. 12, 1576. (Henry) Beaman; (William) Souche.

Oct. 10, 1557. (David?) Powell; (Thomas) Raulings.

Oct. 10, 1579. (Stephen) Staple; (Thomas) Torporley.

Oct. 10, 1580. (Thomas?) Warren.

There are two copies in the Archives, the earlier of which is in a handwriting of about 1580, the other some years later, of 'Juramentum Clericorum Mercatus[1]':— Circ. A.D. 1580.

'Magistri, vos jurabitis, quod nec prece nec precio nec odio nec amicitia nec timore nec spe propter aliquam promissionem vel remunerationem factam vel faciendam quicquam aut facietis aut fieri patiemini, sed omni favore et personarum et commodorum postposito diligenter ea curetis, (quatenus et statuta regni et consuetudines Universitatis permittunt,) quæ ad officium Mercatus aliqua ratione vel pertinent vel pertinere possunt sicut deus vos adjuvet et sacrosancte Dei Evangelia[1].'

Oct. 25, 1581. John Cissill; Owen Davis.

Oct. 25, 1583. M. Wickham and Norwood.

Oct. 10, 1584. — Stones; — Paull.

Oct. 11, 1585. — Whicker (Whiker); — Cullen.

Jan. 22, 158$\frac{5}{6}$. (Thomas) Dennington, Ch. Ch. (*vice* Cullen), nom. by the Vice-Chancellor.

Oct. 10, 1586. M. Whicker and Stubbs[2].

Oct. 10, 1587. (Philip) Randell, Princ. of Gloc. H.; (Thomas) Philipson, Princ. of S. Mary H.; (1587, Pigott *vice* Philipson, dead).

Oct. 10, 1588. Thomas Allwin, Ch. Ch.; Richard Thornton, Ch. Ch.

[1] A. i. 83 *a*, 117 *a*.

[2] Not in Clark's list. See V. C. Comput. MSS. 103, 111.

Oct. 10, 1589. Richard Boughton; Anthony Anthony.
Oct. 10, 1590. — Anthony; — Aubrey.
Oct. 11, 1591. — Bust; (Paul) Gisbe.
Oct. 10, 1592. — Every; — Deinte (Dent).
Oct. 10, 1593. — Wainman; — Vergus.
Oct. 10, 1594. William Orson; Roger Ewer.
Oct. 11, 1595. William Orson; Lionel Case.
Mar. 3, 159$\frac{5}{6}$. Richard Butler, Oriel, *vice* Orson.
Oct. 11, 1596. Thomas King; John Rowliffe,
Oct. 10, 1597. Griffin Powell; Laurence Humphrey.
Oct. 24, 1598. The names are not given.
Oct. 10, 1599. Henry Masters, S. Alb. H.; Hugh Gurgeyny, Trin.
Oct. 18, 1600. John Hauley, Princ. of Gloc. H.; George Summaster, Princ. of Broadg. H.
Oct. 23, 1601. The same two.
Oct. 11, 1602. The same two.
Dec. 7, 1603. The same two.
... 1604. Henry Master; Griffin Powell.
Oct. 10, 1605. Henry Chittie, Magd. C.; Anthony Davies, All Souls.
Oct. 20, 1606. Henry Chitty; George Seller.
Oct. 10, 1607. The names are not given.
Oct. 10, 1608. John Wright; Thomas Ailsburie.
Oct. 10, 1609. Henry Master; Griffin Powell.
Oct. 10, 1610. The same two.
Oct. 10, 1611. Ralph Braddill; John Swetman.
Oct. 10, 1612. The same two.
Oct. 11, 1613. John Wright; Thomas Grent.
Oct. 12, 1615. Everard Chambers; Robert Burton.
Oct. 10, 1616. — Whitehall; John Willis.
Oct. 10, 1616. Everard Chambers; Robert Burton.

Certain assistants to the Clerks of the Market were, as Mr. Clark points out[1], appointed from time to time, as ale-tasters, flesh-viewers, &c., probably to fill the places of the disused 'supervisores,' and to meet temporary requirements. Their appointments were so irregular and unimportant that it has been thought necessary only to mention them here, without transcribing such names as occur in the Registers. The following extract of this date is quoted from Hearne as an example, and a specimen also of a flesh-viewer's appointment is given later on :—

'*Jan.* 13, 1617. John Sharle had a Patent from Arthur

[1] Reg. ii. (1) p. 255.

Lake, Bp. of Bath & Wells, and Vice-Chanc. of Oxon, for the Office of Aletasting and the Making and Assiseing of Bottles of Hey, in which Place were formerly Ed. Prickett. Before him Will. Indifferent. Before him Will. Ellis.

The Office of Aletasting requires, that he goe to every Ale brewer that day they brew, according to their Courses, and taste their Ale; for which his Ancient Fee is one Gallon of Strong Ale and two Gallons of small wort worth a penny.

The Hay Bottles are to be made according to the price of Hay; and the weight allowed by the wet, which at this time (Hearne's) 1640 is thus: good Hay being 20^{s} a load, the Penny Bottle ought to wey 3*l.* ½.[1]'

Oct. 10, 1618. Robert Burton; Thomas Crane.
Oct. 11, 1619. Diagoras Wheare; William Bennett.
Oct. 14, 1620. The same two.
... 1621. The same two.
Oct. 10, 1622. Gerard Verere: Richard Gardner.
Oct. 10, 1623. Giles Francis; Robert Tut.
Oct. 11, 1624. Jeremy Stevens; John French.
Oct. 10, 1626. Thomas Manne; Thomas Harrison.
Oct. 10, 1627. — Chillingworth; John Litleton.
Oct. 10, 1629. Thomas Cole; John More.
Sep. 21, 1630[2]. Mr. William Collingwood, of S. John's, *vice* More, deceased.
Oct. 11, 1630. M. Goodridge, of Wadh.
M. Collingwood again.
Oct. 11, 1631. M. Goodridge, again; M. Norris of Univ.[3]
Henceforth the entry is always 'jurati sunt Clerici Mercatus.'
... 1632. Richard Heylyn.
John Mylles.
Oct. 12, 1633. William Collingwood.
John Gregorie[4].
Oct. 10, 1634. M. Gregory, Ch. Ch.; M. (John) Pinke, New.
Oct. 10, 1635. M. Collingwood again; M. Pinke again.
Oct. 10, 1636. M. Collingwood again; M. Gregory again.

This is the date of the issuing of the Laudian Statutes, by which the nomination, duties, and oaths of the Clerks of the Market have ever since been regulated (with the exception of the oath of the Royal Supremacy and Allegiance). A.D. 1636.

[1] Doble's Collectan. i. p. 53, quoted from Dr. Langbaine's Coll. vol. 8, p. 88. See Reg. (A. Clark), vol. ii. p. i. 256 (note).
[2] P. 15. 252. [3] Ibid. [4] MSS. Assise Booke (Un. Arch.).

They are here transcribed in full from Mr. Shadwell's edition of the Laudian Statutes[1]:—

'Cancellarii munus est . . . unum e Clericis Mercatus annuatim nominare seu eligere.

De Clericis Mercatus. Quo melius et auspicatius provideantur ea quæ ad communis Fori procurationem et gubernationem conducunt, Ordinatum est, quod inter cæteros Universitatis Officiarios duo Clerici Mercatus, vel e Principalibus Aularum, Artium Magistris, vel Baccalaureis S. Theologiæ, Medicinæ, aut Juris, assignentur: Unus per summum Universitatis Cancellarium, Alter per Vice-cancellarium, in prima Congregatione post Festum Michaelis Archangeli, annuatim deputandus. Horum Munus est omnia ad Victus necessitatem et commodum spectantia curare, et, quantum in ipsis est, in Assisa Panis Cervisiæ et Vini, in Mensuris et Ponderibus, in Annonæ qualitate et pretio, ne qua fraus fiat providere. Quem in finem tenentur Panis pondus frequenter explorare; Zythepsæ sive Cervisiarii uniuscunque Dolia, semel saltem, quotannis examinare; et si quæ a justa mensura, Statutis Regni præscripta, deficere compererint, ea confringere vel comburere, præter arbitrariam mulctam ipsi Cervisario a Domino ViceCancellario irrogandam; Utrum Fœni fasciculis et Pabulo equino justa constet mensura: Utrum Fasces justæ magnitudinis sint: Utrum Carbonariorum Sacci debitæ sint capacitatis, i. e. quatuor modios contineant: et si qui a justa mensura defecerint, Saccos quidem ipsos in Foro cremare, Carbones vero inter pauperes partiri.

Denique ipsorum est, ut omnia suo tempore et loco in Foro communi ordinentur, prostent, ac venum exponantur, prospicere. Delinquentes autem, ut Regratores, Forstallatores, injustos Tollenagii Exactores, aut hujusmodi communis Mercatus Depeculatores, accurate investigare, ipsosque amerciare, vel ViceCancellario amerciandos deferre. Quod si e querelis ad ViceCancellarium allatis constiterit Clericos Mercatos Officio suo defuisse, si quidem in Doliis Zythepsarum negligentes inventi fuerint, mulcta esto, in singulos, decem libræ, in aliis vero rebus ad Munus suum pertinentibus, negligentia ipsorum 10s., in singulos, toties quoties, mulctabitur.

Ad illos etiam pertinet Mensurarum et Ponderum, et Sigillorum, omniumque aliorum Instrumentorum eo spectantium (in Archivis Universitatis ad custodiam Standardi repositoram) Inventarium conscriptum panes se habere, ac Successoribus suis relinquere.

In sua autem Admissione (præter consuetum de Primatu Regio

[1] pp. 164, 177.

et Allegiantia Sacramentum) corporale Juramentum, exigente Procuratore Seniore, præstabunt; Quod omnia Jura, Privilegia, Libertates, et Consuetudines istius Universitatis observabant.'

'Item aliud sub hac forma: Magistri vos jurabitis, &c.,' (as previously, except that for the phrase 'omni favore et personarum et commodorum postposito' is 'omni favore Personarum et lucri intuitu seposito.') *Vide supra*, p. 107.

Clerks of the Market continued:—

Oct. 10, 1637. M. Collingwood again; M. (William) Pixty, of St. John's[1].

Oct. 10, 1638. M. Pixty again; M. John Fludd, of Magd.[2].

Oct. 10, 1639. M. Pixty and Floid (Fludd) again[3].

Oct. 10, 1640. { M. Nicolas Brookes, of Oriel. Gerard Langbane, of Queens[4].

Oct. 10, 1641. { John Proctor, B.D., of Exeter. M. Brian Holland, of New[5].

No entry for 1642. 'Dr. Prideaux, the Vice-Chancellor, leaving the University abruptly, the administration of its government was committed to deputies[6].'

Oct. 10, 1643. M. Holland again; M. John Duncombe, of New[7].

June 13, 1644. M. Duncombe and John Wainewright[8].

Oct. 10, 1644. Jurati sunt Clerici Mercatus, postquam Juramenta Allegiantiæ de Regis Majestate agnoscendis et officio suo fideliter exequendo præstiterunt[9],

M. (John or Richard?) Lloyd, of All Souls; M. Hodges, of New.

The Commissioners 'pro meliore Regimine Universitatis et Privilegiis ejusdem conservandis' issued the following Order:— **Aug. 23, A.D. 1644.**

'Whereas great inconveniences doe happen by neglect of inquirie and examination of Weights and Measures used in this Citty, whereby all deceipt and Cousenage may be prevented, It is Ordered and Mr. ViceChancellor is hereby required that ye Clarke of the Markett appointed by the Lawes and Statutes of this University doe with all care and diligence execute their said places, more especially in the Weighinge of all sorts of bread, that no deceipt may be used therein. And noe other persons but such as are authorized by the said University (to whom the care of ye busynesse is graunted by especiall Charter) are to meddle therein[10].'

[1] Q. 16, 17 *a*. [2] Ibid. 23 *b*. [3] Ibid. 27 *a*. [4] Ibid. 31 *b*. [5] Ibid. 37 *a*. [6] Wood's Fasti p. 130. [7] Q. 16, 98 *a*. [8] MSS. Assize Bks. Univ. Arch. [9] Q. 16, 104 *a*. [10] Act. Conv. Sb. 25, 66 *b*.

Oct. 11, 1645. M. Middleton, S^t^. M. Hall; M. Isham, Ch. Ch.[1]

No entries for 1646–49.

Oct. 17, 1650. M. Haughton, B.N.C.[2]

An example of two flesh-viewers' appointment of this date is here introduced:—

'Bartholomew Steele and Henry Smith, Butchers, the xvij^th^ day of November 1650, were before D^r^. Greenewood, Vice-Chancellor in his lodgings in Brasennose Colledge Oxon admitted and sworne flesh-viewers, that is, they were sworne diligentlie to search and viewe all unwholesome flesh exposed to be sold in open market shambles or other howses or places within the precincts of the University, and all persons offering to sell such flesh to hinder them soe to doe, and to detect and present them to the ViceChancellor or the clerkes of the markett. Matt. Hirst. no^le^ publique[3].'

Clerks of the Market continued:—

Oct. 10, 1651. M. Haughton again (only one entry)[4].

Oct. 11, 1652. M. (Thomas) Tyas, Ch. Ch. (only one entry)[5].

... 1653. M. Tyas again (only one entry)[6].

Oct. 10, 1654. M. Tyas again (only one entry)[7].

Oct. 10, 1655. M. Tyas again (only one entry)[8].

Oct. 10, 1656. M. (John) Hulett; M. Tyas again[9].

Oct. 10, 1657. M. Hewlett again; M. Hopping[10].

Oct. 11, 1658. M. Hewlett again; M. (Malachy) Conant (of Magd.)[11].

No entry for 1659.

Oct. 10, 1660. M. Hewlett again; M. Benjamin Cooper (of Merton), Registrar of the University[12].

Oct. 17, 1661. M. Cooper; M. James Aston, of S^t^. John's[13].

Oct. 10, 1662. M. Cooper; M. Aston (nuper e Coll. Di. Jo. Bapt.)[14].

Oct. 10, 1663. The same[15].

Oct. 10, 1664. The same[16].

Oct. 10, 1665. The same[17].

Oct. 11, 1666. The same[18].

Oct. 10, 1667. M. Cooper and M. Thomas Tyas (see 1652)[19].

Oct. 10, 1668. The same[20].

[1] Q. 16, 109 *b*. [2] Q. 17, 12 *b*. [3] G. G. 147 *b*. [4] Q. a. 17, 19 *b*. [5] Ibid. 26 *b*. [6] MSS. Assise Bks. Univ. Arch. [7] Q. a. 17, 45 *a*. [8] Ibid. 52 *b*. [9] Ibid. 59 *b*. [10] Ibid. 65 *b*. [11] Ibid. 90 *b*. [12] Q. b. 18, 10 *a*. [13] Ibid. 24 *b*. [14] Ibid. 32 *a*. [15] Ibid. 42 *a*. [16] Ibid. 51 *a*. [17] Ibid. 60 *a*. [18] Ibid. 69 *a*. [19] Ibid. 76 *a*. [20] Ibid. 83 *b*.

['Whereas by several complaints of the inhabitants of this city & University I am given to understand that divers Maltsters for their private gain do make their malt deceitfully & not according to law, neither giving its due time upon the floor, nor sufficient dryeing upon the kilne, whereby the drinke made thereof neither returns the just profit to the brewer, nor makes wholesome drinke for the bodyes of those who buy of them. And moreover Wivels are thereby bred, which heat & corrupt the malt, and eat out the best of it, to the great damage & loss of his Majestyes subjects. And whereas Mr Thomas Tyas and Mr Benjamin Cooper Clerks of ye Markett of this University (whose duty it is to regulate & make enquiry after these & such like offences) having never exercised the Art & mystery of making Mault cannot easily discover the frauds & deceits which are used therein, nor judge what malt is well & sufficiently made without the Assistance & advice of such as are skilled and practised in the said Art and mystery. These are therefore to require you whose names are here underwritten (of whose skill & fidelity we are well assured) or any two of you from time to time, when you shall be thereunto warned & appointed by the said Clerks of the Markett to accompany & to the best of your skill and power be assistant to them in discovering such Malt as is made deceitfully & not according to law, that so the offenders may receive due correction and a remedy be had of the aforesaid deceits and mischiefs, hereof you are not to fayle. Dated this 24th day of October in the 20 year of his Majestyes reign &c. Oct. 24, A.D. 1668.

A.D. 1668. John Fell, Vice-Chan:
John Davis.
Humfrey Burgesse of St Aldate's Parish.
George Walker.
James Prince of Holywell.
James Gold of St Peters in ye Bayley.
Thomas Wilkinson of St Thomas Parish.
William Young.
Thomas Hall of St Ebbes.
Thomas Hathaway of Holywell[1].']

No entry for 1669.

1670. M. Cooper and Francis White, B.L.L. of S. John's.

[A citation to the Assise of Weights and Measures of this date is preserved in the MSS. book of prices in the University Records. It runs as follows[2]:— Jan. 26, A.D. 167[1].

[1] MSS. in Univ. Arch.

[2] MSS. Assise Booke Univ. Arch.

['To Timothy Gabriel and Robert Sarjeant.

These are to require you or either of you to warn personally at their houses all persons inhabiting within the Precincts of the University of Oxon, y^t^ use or have any Weights or Measures greater or less, sealed or unsealed. And that you especially warn all Apothecaries, Mercers, Grocers, Drapers, Milliners, Brewers, Bakers, Inn-holders, Alehouse-keepers, Farmers, Maulsters, Fullers, Dyers, Upholsterers, Brasiers, Millers, Chandlers, Butchers, Smiths, Ironmongers, Carriers, Clothiers, Cloth-workers, Weavers, Taylers, & generally all Artificers, Tradesmen, or any other Person or Persons whatsoever that use or have any Weights or Measures of what sort soever sealed or unsealed to bring them before me Peter Mews, Doctor of Laws and Vice-Chan.: of the University of Oxford, or before Benj. Cooper, Master of Arte, or Francis White, Batchelor of Laws Clerks of ye Market of ye s^d^ University to S^t^. Mary's Church in Oxon: there to be examined and reviewed with the publick standard, upon such severall days as are underneath expressed. Hereof fail you not. Given under my hand this 26. Jan. 1670. Peter Mews,
Vice-Chan:

Parishes. St Aldate's, St Ebbs, St Peters in ye Bayly } upon Tuesday, Feb. 14[1].']

Oct. 10, 1671. M. Cooper & White again[2].

Oct. 10, 1672. The same[3].

Oct. 10, 1673. M. Cooper & M. Thomas Sykes (of Trinity)[4].

Oct. 10, 1674. The same[5].

Oct. 10, 1675. The same[6].

Oct. 10, 1676. M. Cooper & M. Thomas Stafford (of Magd.)[7].

Oct. 10, 1677. M. Cooper & M. Thomas Peachman, fellow of New[8].

Oct. 10, 1678. The same[9].

Oct. 10, 1679. M. Cooper & M. Thomas Crosthwait, B.D., fellow of Queens[10].

Oct. 11, 1680. The same[11].

Oct. 10. 1681. M. Cooper & M. William Rooke, fellow of Queens[12].

Oct. 10, 1682. M. Cooper & Walter Howell, B.D. fellow of Jesus[13].

[1] MSS. in Univ. Archives. [2] B. d. 19, 18 *b*. [3] Ibid. 28 *b*. [4] Ibid. 39 *a*. [5] Ibid. 49 *a*. [6] Ibid. 60 *a*. [7] Ibid. 72 *a*. [8] Ibid. 84 *a*. [9] Ibid. 95 *a*. [10] Ibid. 107 *a*. [11] B. e. 20,1 *a*. [12] Ibid. 13 *a*. [13] Ibid. 24 *a*.

Oct. 10, 1683. The same [1].

Oct. 10, 1684. The same [2].

Oct. 10, 1685. M. Cooper; 'et D^nus^ Vice Cancellarius nominabat Johannem Halton S.T.B. et Coll. Regin. Socium in alterum Cler. Merc.[3]' (He was sworn in on Oct. 15.)

Oct. 11, 1686. M. Cooper & Fran. White, B.D. of Balliol [4].

Oct. 10, 1687. M. John Page of Wadham (only one entry) [5].

Oct. 10, 1688. M. Cooper and (Oct. 12) M. Page again [6].

Oct. 10, 1689. M. Cooper & Timothy Huxley, B.D. fellow of Jesus [7].

Oct. 10, 1690. The same [8].

Oct. 10, 1691. The same [9].

Oct. 10, 1692. M. Cooper & M. Robert Thynne of Ch. Ch.[10]

Oct. 10, 1693. The same [11].

Oct. 10, 1694. The same [12].

Oct. 10, 1695. Robert Bartholomew B.D. fellow of Lincoln, & M. Cooper [13].

Oct. 10, 1696. The same [14].

Oct. 11, 1697. M. Richard Feilden, fellow of B.N.C. & M. Cooper [15].

Oct. 10, 1698. M. Dan. Osborne fellow of Exeter & M. Cooper [16].

Oct. 10, 1699. M. Cooper & M. Robert Rous, fellow of Exeter [17].

Oct. 10, 1700. John Baron B.D. fellow of Balliol & M. Cooper [18].

Oct. 10, 1701. M. Geo. Cooper (of Merton) Registrar of the University & M. Baron (nominated by the Vice Chancellor [19]).

Oct. 10, 1702. M. Cooper & Charles Woodroffe LL.B. fellow of St John's [20].

Oct. 10, 1703. The same [21].

Oct. 10, 1704. John Pirdie B.D. St John's Coll. & M. Cooper [22].

Oct. 10, 1705. The same [23].

Oct. 10, 1706. M. Cooper & Sam. Read fellow of Queens [24].

Oct. 10, 1707. The same [25].

[1] B. e. 20, 33 *a*.
[2] Ibid. 43 *a*.
[3] Ibid. 53 *b*.
[4] Ibid. 62 *a*.
[5] Ibid. 71 *b*.
[6] Ibid. 81 *a*.
[7] Ibid. 91 *a*.
[8] Ibid. 100 *a*.
[9] Ibid. 109 *a*.
[10] B. 21, f. 1 *a*.
[11] Ibid. 10 *b*.
[12] Ibid. 21 *a*.
[13] Ibid. 29 *b*.
[14] Ibid. 38 *a*.
[15] Ibid. 46 *b*.
[16] Ibid. 56 *a*.
[17] Ibid. 65 *a*.
[18] Ibid. 74 *b*.
[19] Ibid. 84 *a*.
[20] Ibid. 94 *b*.
[21] Ibid. 1 *a*.
[22] Ibid. 10 *b*.
[23] Ibid. 19 *a*.
[24] Ibid. 27 *a*.
[25] Ibid. 35 *b*.

Oct. 10, 1708. The same (Read nominated by the Vice Chancellor [1]).

Oct. 10, 1709. The same [2].

Oct. 10, 1710. M. Thomas Mompisson of New Coll. & M. Cooper [3].

Oct. 13, 1711. The same [4].

Oct. 10, 1712. M. Robert Bright, fellow of All Souls & M. Cooper [5].

Oct. 10, 1713. The same [6].

Oct. 10, 1714. The same [7].

Oct. 10, 1715. M. Richard Monnox, fellow of Balliol & M. Cooper [8].

Oct. 10, 1716. The same [9].

Oct. 10, 1717. The same [10].

Oct. 10, 1718. M. Benj. Prichard fellow of B.N.C. & M. Cooper [11].

Oct. 10, 1719. M. Cooper & Robert Leaborne fellow of B.N.C.[12]

Oct. 10, 1720. The same [13].

Oct. 10, 1721. M. Leaborne (only one entry [14]).

Oct. 10, 1722. M. Leaver and M. (Herbert) Beaver (of C.C.C.[15]).

Oct. 10, 1723. M. Beaver & M. Barnabas Smith, fellow of C.C.C.[16]

Oct. 10, 1724. The same [17].

Oct. 10, 1725. The same [18].

Oct. 10, 1726. The same. (Smith now B.D.[19])

Oct. 10, 1727. Smith (only one entry [20]).

Oct. 10, 1728. George Cox, B.D. of Magd. (only one entry [21]).

Oct. 10, 1729. The same [22].

Oct. 10, 1730. The same [23].

Oct. [ ], 1731. The same [24].

Oct. 11, 1732. Robert Pemberton (B.D. fellow of S. John's [25]).

Oct. 10, 1733. The same [26].

[No entry for 1734.]

Oct. 10, 1735. M. (John) Taylor (fellow of) All Souls [27].

[1] B. GG. 48 *b*. [2] Ibid. 52 *a*. [3] Ibid. 58 *b*. [4] Ibid. 66 *a*.
[5] Ibid. 73 *a*. [6] Ibid. 79 *b*. [7] Ibid. 84 *b*. [8] Ibid. 90 *b*.
[9] Ibid. 96 *b*. [10] Ibid. 102 *b*. [11] Ibid. 109 *b*. [12] Ibid. 119 *a*.
[13] Ibid. 125 *b*. [14] Ibid. 132 *a*. [15] Ibid. 138 *b*. [16] B. HH. 23, 1 *a*.
[17] Ibid. 7 *a*. [18] Ibid. 12 *b*. [19] Ibid. 16 *b*. [20] Ibid. 25 *a*.
[21] Ibid. 31 *a*. [22] Ibid. 37 *a*. [23] Ibid. 44 *a*. [24] Ibid. 50 *a*.
[25] Ibid. 56 *b*. [26] Ibid. 63 *b*. [27] Ibid. 76 *b*.

Oct. 11, 1736. M. Beaver (Superior Bedell in Civil Law) & Taylor [1].

Oct. 14, 1737. The same [2].

Oct. 10, 1738. M. Beaver & M. (Thos.?) Lamprey (of Ch. Ch.?) (nominated by the Vice Chancellor [3]).

Oct. 10, 1739. The same [4].

Oct. 10, 1740. The same [5].

Oct. 10, 1741. M. Beaver & M. (Humph.) Perrott of Oriel [6].

Oct. 11, 1742. The same (Perrott now B.D.[7]).

Oct. 10, 1743. The same (Perrott nominated by the Vice Chan.[8]).

Oct. 10, 1744. M. Beaver & Mich. Robinson B.D. of Lincoln [9].

Oct. 10, 1745. M. Beaver & John Chapman B.D. (of Lincoln) (nom. by V. C.[10]).

Oct. 10, 1746. The same [11].

Oct. 10, 1747. M. Beaver & M. (Will. O.) Purnell (of New) (nom. by V.C.[12]).

Oct. 10, 1748. The same [13].

Oct. 10, 1749. The same (sworn on Feb. 22[d] $17\frac{48}{49}$) [14].

Oct. 10, 1750. M. Beaver & M. (Thomas) Nelson of Univ. (nom. by V. C.[15]).

Oct. 11, 1751. The same [16].

Oct. 10, 1752. M. Nelson (only one entry [17]).

Oct. 10, 1753. M. B(arth.) Peisley, of Trin. (nom. by V.C.[18]).

Oct. 10, 1754. The same [19].

Oct. 10, 1755. The same [20].

Oct. 11, 1756. (Henry) Pinnell B.D. of C.C.C. (nom. by V.C.[21]).

Oct. 10, 1757. Peisley & Pinnell (nom. by V. C.[22]).

Oct. 10, 1758. The same [23].

Oct. 10, 1759. James Rawes B.D. of Queens (nom. by V.C.[24]).

Dec. 17, 1759. Peisley.

Oct. 10, 1760. Rawes. *Oct.* 31. Peisley [25].

Henceforth there is only one entry, of the Clerk nominated by the Vice-Chancellor.

Oct. 10, 1761. Rawes [26].

[1] B. II. 24, 1 *a*. [2] Ibid. 14 *b*. [3] Ibid. 25 *b*. [4] Ibid. 39 *a*.
[5] Ibid. 53 *a*. [6] Ibid. 66 *b*. [7] Ibid. 79 *b*. [8] Ibid. 62 *a*. [9] B. KK. 25, 1 *a*.
[10] Ibid. 27 *a*. [11] Ibid. 50 *b*. [12] Ibid. 81 *a*. [13] Ibid. 105 *a*.
[14] Ibid. 130 *b*. [15] Ibid. 157 *a*. [16] Ibid. 180 *b*. [17] Ibid. 205 *a*.
[18] Ibid. 229 *a*. [19] Ibid. 253 *a*. [20] Ibid. 282 *b*. [21] Ibid. 308 *b*.
[22] Ibid. 335 *a*. [23] B. LL. 26, 1. [24] Ibid. 27. [25] Ibid. 53.
[26] Ibid. g, 93.

Oct. 11, 1762. The same[1].
Oct. 10, 1763. The same[2].
Oct. 10, 1764. The same[3].
No entries for 1765 and 1766.
Oct. 10, 1767. M. John Cox. No entry for 1768[4].
Oct. 10, 1769. M. (John) Alleyne of Univ.[5]
Oct. 10, 1770. The same[6].
Oct. 10, 1771. The same[7].
There are no further entries until
Oct. 10, 1782. Charles Plucknett B.D. of St John's[8].
1783. No entry.
Oct. 11, 1784. M. Flamank of Trin.[9]
No entry until
Oct. 10, 1796. 'Dnus Vice Cancellarius nominavit Mum Crouch ex Aula S. Edmundi in annum sequentem.' (Evidently as Clerk of the Market.)[10]
Oct. 10, 1797. M. Gutch of All Souls 'qui juratur'[11].
Oct. 10, 1798. The same[12].
Oct. 10, 1799. The same[13].
Oct. 10, 1800. The same[14].
Oct. 10, 1801. The same[15].
Oct. 11, 1802. The same[16].
Oct. 10, 1803. The same[17].
Oct. 10, 1804. The same[18].
Oct. 10, 1805. The same[19].
Oct. 10, 1806. The same[20].
Oct. 10, 1807. The same[21].
Oct. 10, 1808. The same[22].
Oct. 10, 1809. The same[23].
Dec. 3, 1809, 'Ego Joannes Parsons Vice Cancellarius Universitatis Oxoniensis, ad quem, vacante Cancellarii munere, omnis Cancellarii auctoritas pertinet, nomino Magistrum Brown e Collegio Magdalenæ Clericum Mercatus in partem anni nondum elapsam loco Mri Rhodes.'
Oct. 10, 1810. The same two (Gutch nom. by Chancellor, Brown by V. Chancellor).

[1] B. LL. 130. [2] Ibid. 161. [3] Ibid. 193. [4] Ibid. 280
[5] B. MM. 27, 1. [6] Ibid. 27. [7] Ibid. 55. [8] Ibid. 289.
[9] B. NN. 1. [10] Ibid. 215. [11] Vol. unlabelled, 1. [12] Ibid. 53.
[13] Ibid. 119. [14] Ibid. 195. [15] Ibid. 268. [16] Next Vol. 1.
[17] Ibid. 67. [18] Ibid. 128. [19] Ibid. 178. [20] Ibid. 237.
[21] Ibid. 288. [22] Next Vol. 1. [23] Ibid. 59. The pages in the volumes are not numbered after this and subsequent entries must be sought under their respective dates.

Oct. 10, 1811. The same.
Oct. 10, 1812. The same.
Oct. 10, 1813. The same.
No entries for 1814.
Oct. 9, 1815. The same.
Oct. 10, 1816. The same.
Oct. 10, 1817. The same [1].
Oct. 10, 1818. The same [2].
No entries for 1819.
Oct. 10, 1820. The same.
Oct. 10, 1821. The same.
Oct. 10, 1822. The same.
Oct. 10, 1823. The same.
Oct. 11, 1824. The same.
Oct. 10, 1825. The same.
Oct. 10, 1826. The same.
Oct. 10, 1827. The same.
Oct. 10, 1828. Philip Bliss, D.C.L. (of S. John's) Registrar of the University (nom. by Chancellor) and Brown (nom. by V. Chancellor).
Oct. 10, 1829. The same.
Oct. 10, 1830. The same.
Oct. 10, 1831. The same 'et eodem die Juramentis Allegiantiæ &c. &c., procuratore seniore exigente, onerabantur.'
Oct. 10, 1832. The same 'et eodem die jurati sunt.'
Oct. 10, 1833. The same.
Oct. 10, 1834. The same.
Oct. 10, 1835. Bliss and M. (J. W.) Hughes of Trinity.
Oct. 10, 1836. The same.
No entries for 1837.
Oct. 10, 1838. The same.
Oct. 10, 1839. The same.
Oct. 10, 1840. The same.
Oct. 11, 1841. The same.
Oct. 10, 1842. The same.
Oct. 10, 1843. The same.
Oct. 10, 1844. The same.
Oct. 10, 1845. The same.
Oct. 10, 1846. The same.
Oct. 10, 1847. The same.

[1] B. pp. 1. [2] Ibid. 14.

Oct. 10, 1848. The same.
Oct. 10, 1849. The same.
Oct. 10, 1850. E. W. Rowden, M.A., of New College, in place of Hughes.
Oct. 10, 1851. The same.
Oct. 11, 1852. The same (both nominated by V. Chancellor, 'vacante Cancellario').
Oct. 10, 1853. The same.
Oct. 10, 1854. The same.
Oct. 10, 1855. C. Neate, M.A. of Oriel in place of Bliss.

They continued in office till 1870 when R. Godfrey Faussett, M.A., of Ch. Ch. was nominated in the place of Rowden. In 1879 Octavius Ogle, M.A. of Lincoln was nominated by the Vice-Chancellor in place of Neate, and these have been nominated Clerks of the Market each year to the present time.

The earliest accounts in the University Archives which contain any payment to the Clerks of the Market are dated 1566. The entry runs thus:—

'Solut. m^ro Harris et m^ro Lister Clicis Mercati vigore consimilis decreti pro uno anno integro finito ad festum S^ti Michaelis Archangeli A^o Dni. 1566 xl. s.'

Similar entries occur regularly every year, but unfortunately the names of the Clerks are seldom given, the entry being in the form—

'Solut. Clericis Mercati pro feodo suo (or stipendio suo) xl. s.'

In the accounts of the year 1655–8 the entry is in the singular number, 'Clerico Mercati £2 0 0.' This payment continued till the year 1807 when by a vote of Convocation £20 was added. This was increased in 1810 to £50 by a similar vote, and has continued so ever since, the payment to each Clerk of the Market being £26 annually.

APPENDICES.

[THE following documents, transcribed from various volumes in the University Archives, could not be conveniently embodied in the history of the Market, but are thought of sufficient interest in connection with it, to be worth printing in an Appendix.]

APPENDIX A.

'ORDINATIO MERCATI OXON A TEMPORE ANTIQUO VSITATA, ET DE ' NOUO RENOUATA.

(Circa 12um. Edw. 2^{di}.)

Venditores stramenti cum aueriis suis, stabunt inter portam Orientalem et ecclesiam Omnium Sanctorum, in medio viæ Regiæ.

Venditores Busti in Carectis, stabunt inter Shidyerd et tenementum quondam Iohannis Maideston.

Fenditores merennii, stabunt inter tenementum quod vocatur St. Thomas hall, et Venellam S. Edwardi.

Venditores porcorum, stabunt inter ecclesiam B. Mariæ et ecclesiam omnium Sanctorum.

Cervisia, stabit inter venellam S. Edwardi, et tenementum quondam Aliciæ de Lewbury; quod tenementum, Thomas de Ailssbury tenet de procuratoribus Cantariæ B. Mariæ, in Ecclesia Omnium Sanctorum in Australi parte viæ Regiæ.

Venditores ollarum terrarum et Carbonum, stabunt inter dictam Venellam Sancti Edwardi, et tenementum quondam Iohannis Hampton, quod Riccardus Woodhay tenuit dum vixit, et ab eo loco, ut supra.

Venditores Chirothecarum et Whitesawyers, stabunt inter Ecclesiam omnium Sanctorum, et tenementum quod quondam fuit Iohannis le Gold Smyth, quod Robertus Westley iam tenet de magistris magnæ Aulæ Uniuersitatis Oxoñ in parte Boreali Viæ Regiæ.

Venditores Monianiorum, Lyndrapers, et Langedrapers, a dicto tene mento quod fuit Iohannis le Gold Smyth, vsque tenementum Abbatis de Oseney in angulo, quod Iohannes South quondam inhabitabat.

Pistores Vendentes panem Tuteseyn, stabunt inter Shopam quam Nicholaus le Spicer iam tenet, et tenementum quod Iohannes Conyntroier tenet.

Venditores piscium, extranei, et non de Gilda, diebus mercati, stabunt retrò dictorum venditorum panis, versùs medium vici.

Poletarij forinseci, stabunt inter Maugerhall, et tenementum vocatum Somenorshyn.

Venditores panis Albi, ex vtraque parte quadriuij stabunt; à capite Boreali, versùs Austrum.

Tannarij stabunt inter Somenorsbyn, et Quadriuium.

Venditores { Casei, Lactis, fabarum, Pisarum nouarum, Butiri, Ouorum } stabunt à Cornerio Quadriuij ex vtraque parte viæ versus Balliuam.

Venditores fœni et herbagij, apud Collistrigium.

Venditores Cirporum, Ex opposito le old Drapery.

Venditores Bladi, stabunt inter portam Borealem et Maugerhall.

Frutarij; Venditores { Farinæ, Auen: Seminum paruorum } ab ostio Gildæ Aulæ versus Knaphall.

Venditores herbagij, scil. { olerum, porri } stabunt à Knaphall versùs Quadriuium.

Venditores disc^{m}. et squiler: stabunt inter Baptys-yn et Stoquinarium, iuxta palatium.

Uenditores pisc^{m}. frisc: qui sunt de Gilda villæ, subtus palacium Nicholai le Spicer, prout anteà vsi fuerunt.

Venditores Busc: à magna Iueria vsque tabulas pisc^{m}.

Carecti cum spinis et Bustis, stabunt inter portam Borealem et la Draperyhall, in parte occidentali Viæ Regiæ [1].'

APPENDIX B.

Letter of Edw. I. fixing Prices in the Oxford Market.

April 1, A.D. 1280. Edwardus Dei gratia Rex Anglie D^{nus} Hibernie et Dux Aquitanie Cancellario et Procuratoribus Uñitatis Oxon Salẽm. Querelam Archiẽporum, Epõrum, Comitum, Baronum et aliorum de communitate Regni per peticõnem suam coram nobis et Consilio nostro exhibitam recepimus continentem, quod de bobus, vaccis, muttonibus, porcis, aucis[2], gallenis et caponibus, et ovis, magna et quasi intolerabilis est caristia, his diebus, in ipsorum et omnium aliorum infra dictum regnum digentium damnum non modicum et gravamen, propter quod nobis cum instantia supplicarunt, ut super hoc curaremus de congruo remedio providere. Nos igitur supplicacõni prædicte Uñitatis, pro communi Utilitate populi dicti regni prout expediens visum fuit annuentes, ordinavimus de Consilio et assensu prelatorum, Comitum, Baronum et aliorum de Consilio nostro existentium in ultimo parlmento nostro apud Westm. habito, quod melior Bos vivus Venalis crassus de grano non pastus vendatur de cetero pro xvi^{s} et non ultra, et si de grano pastus fuit, et sit crassus pro xxiv^{s} ad plus tunc vendatur. Et melior Vacca viva et crassa pro xii^{s}. Quodque porcus duorum annorum

[1] Twyne's MSS. 16, 1.

[2] 'Geese,' Ducange.

crassus pro XL denariis, mutto lanitus crassus pro xx^{d}: mutto tonsus crassus pro xiiii^{d}, Auca crassa pro xi^{d} [1]. Gallina crassa pro uno denario, quatuor columbelli pro uno denario, duo pullini pro uno denario, et xxiiii ova pro uno denario vendantur. Et quod si aliquos vel aliquem qui hujusmodi res Venales pro pretio (ut præmittitur) ordinato vendere noluerit vel noluerint, contigerit inveniri, nobis reman(ebun)t foris facte. Et quoniam ordinacõnem predictam volumus ex (nunc) per totum regnum nostrum firmiter teneri, et inviolabiter (obser)vari, Vobis mandamus firmiter injungentes, quod in Villa (Vestra) ordinacõnem predictam publice et distincte faciatis pro(clam)ari, et ipsam in omnibus et singulis articulis suis sub fo(risfac)tura predicta per totam Villam predictam de cetero quatenus ad vos pertinet racõne libertatum Vobis in eadem Villa per progenitores nostros quondam Reges Anglie et nos concessarum faciatis inviolabiliter observari, et hoc nullo modo omittatis. Teste meipso apud Wyndsore primo die Aprilis anno regni nostri octavo [2].

APPENDIX C.

Extracts from 'Index Rubricarum omnium privilegiorum Universitatis Oxon a tempore Regis Henrici tertii, usque ad annum tricesimum quartum Elizabethæ Reginæ.'

Assisa panis, Cerevisiæ, ponderum &c.

Quod Cancellarius et Major habeant conjunctim Custodiam Assisæ panis et cerevisiæ. Et q^{d} in defectu Majoris Cancellarius solus habeat eandem custodiam. 2 Ed. 3 f. 54.

Quod Cancellarius et Major conjunctim habeant Custodiam Assisæ mensurarum et ponderum. Et quod in defectu Majoris Cancellarius solus habeat Custodiam prædictam. 2 Ed. 3 f. 55.

Quod Cancellarius habeat Custodiam Assisæ panis et cerevisiæ conjunctim cum Majore. At supervisum Mensurarum et ponderum conjunctim cum Aldermannis. 2 Ed. 3 f. 56.

Mandatum Majori Aldermannis et Burgensibus stricte datum quod intendentes sint Cancellario in Custodia Assisæ, et Assaia mensurarum et ponderum. 20 Ed. 3 f. 73.

Charta continens varia privilegia, atque inter alia, Custodiam Assisæ Panis, Vini, et Cerevisiæ. Ac supervisum Mensurarum et ponderum Cancellario soli et in solidum concessum. 29 Ed. 3 f. 76.

Quod Cancellarius habeat liberam Executionem privilegiorum de Assisa panis vini et cerevisiæ, ac Mensurarum et ponderum in Villa Oxon absque impedimento, secundum tenorem Chartæ Regis Universitati, dudum concessæ. Et quod Major intendat Cancellario. 32 Ed. 3 f. 83.

Quod Cancellarius habeat liberam Executionem privilegiorum suorum

[1] (or 2d.) Wood's marginal note.

[2] From a MS. copy in Wood's collect. Bodl. F. 27 (wrongly catalogued as belonging to Edw. 2nd's reign). A copy is also in Twyne's MSS. 16, 2.

in correctione Victualium, ac mensurarum et ponderum, et transgressorum in eisdem. Et quod Major intendat Cancellario. 46 Ed. 3 f. 86.

Assisæ Redditus &c.

Confirmatio quarundam Libertatum &c. Et de minucõne Redditus antiqui centum solidorum pro Custodia Assisæ Victualium, reddendo annuatim pro eadem unum Denarium tantum. 2 H. 4 f. 107.

A Peticõn of ye University made to ye King and his Parlyament for confirmacõn of theyr former Graunt, touching ye Release of theyr yearly Rent of v^li^ for ye ffeefarme of Bread Ale and Wyne, which is graunted by ye King according to ye Peticõn. 12 Ed. 4 f. 154.

Burgenses.

Quod Major et Burgenses observari faciant Assisas et precia Victualium, vini, et aliarum rerum venalium. Et quod permittant Scholares uti libertatibus et Consuetudinibus suis. 3 Ed. 1 fol. 26.

Cervisiæ tentatio &c.

Quod Cancellarius et Major prospiciant tentationi Cervisiæ. Et quod uno deficiente alter suppleat. 12 Ed. 3 f. 68.

Charta amplissima.

Charta continens subscripta, viz Pardonatio Scholarium ab omnibus ffeloniis et Roberiis cum protectione. Restitutio libertatum Universitatis prius in manum Regis captarum. Custodia Assisæ panis vini et cerevisiæ. Ac supervisum Mensurarum et ponderum Cancellario soli et in solidum concess: Cognitio de fforistallatoribus et Regratariis. Ac Correctio Victualium cum ffinibus et Amerciamentis eidem Cancellario concessa. 29 Ed. 3 fo. 76.

Foristallatores et Purveyors &c.

Ne Major et Burgenses sese Regrārii sese cum Mercatoribus extraneis cõmisceant in vendicõne seu emptione Victualium ad damnum Scholarium. Sed quod eisdem Mercatoribus extraneis assignetur locus idoneus per visum Cancellarii ad Victualia sua per se vendenda. 12 Ed. 2 fol. 45.

An Act y^t^ noe Purveyor or Taker shall take or bargaine for any Victuall or Graine wthin fyve myles of Cambridge or Oxford, against ye will of ye owners. Tempore Phil. et Ma. fo. 174.

An Act y^t^ Purveyors may take Corne and Graine wthin fyve myles of Cambridge or Oxford in case where ye Inhabitants shall refuse to serve ye necessary provision of ye Universityes. Soe y^t^ the Purveyor have lycense in wryting under ye hands of ye Chancellor & two Justices of ye Peace. 13 Eliz. f. 180.

Vicorum mundatura &c.

Cõmissio Cancellario et Custodi Domus de Merton transmissa de inhibicõne facienda contra occisionem grossarum Bestiarum. 12 Ed. 3 f. 70.

Quod Vice Comes proclamari faciat contra occisiones bestiarum in Villa Oxon. 13 Ed. 3 f. 72.

Quod Major et Ballii proclamari faciant contra occisionem bestiarum in Villa Oxon. 12 Ed. 3 f. 69.

Vini et Victualium precia &c.

Ne Vinum carius vendatur in Villa Oxon quam in Civitate London nisi per unum obolum in qualibet lagena. 5 Ed. 3 f. 56.

An Act limiting the prizes of ffrench wynes throughout the Realme. And what number of Tavernes shall be in certain greate Townes, with a proviso for safety of ye Libertyes of ye two Universities. (Ann. 7 Ed. 6 f. 170[1].)

APPENDIX D.

EXAMPLES OF VARIOUS ASSISES.

An assise of bread, 'secundum diversum pretium frumenti,' for the whole kingdom, of the date A. D. 1202, is printed in Matthew Paris' (Chronica Majora, Rolls Ser., vol. ii. p. 480). This is the earliest assize that I have met with. A.D. 1202.

Another general assise of bread, wine, meat, and beer is printed in full by Anstey[2], but is too long to be conveniently inserted here. In it the prices and profits in the sale of various kinds of bread are fixed, and the price of beer rises and falls according to the price of malt. The punishments for short measure and bad meat are also fixed. It concludes thus: 'Ista assisa est observanda per totam Angliam.' A.D. 1350.

'Quum compertum est coram nobis Will. Tresham Cancell. Oxon Comisario quarterium ordei vendi pro xij^s^ in foro et quarterium brasii circiter idem precium, consultis prius præsidibus collegiorum 10 die Decembris a. Dm. 1545. Limitavimus assisam coreuisiæ ut brasiatores vendant quarterium ceruisiæ vz. 17 lagenas cum potello de meliore ceruisia pro iij^s^ ij^d^ et lagenam cum potello de penyall pro j^d^ et hæc stabunt donec ordium et brasium fverint precii minoris[3].' Dec. 10, A.D. 1545.

ORDERS OF THE MARKETT OF OXFORD.

1. Martine Colepeper, Doctor of Physick & Vicechauncellor of the Universitie of Oxford taxeth, assiseth and setteth the price of a quarter of the best stronge ale at iij^s^ iiij^d^, and the price of a kilderkin of the best double beere at iij^s^, and the price of a kilderkin of the best single beere at xviij^d^ and so ratably in greater or lesser measures of the same. And therefore strictly chargeth & Commaundeth that no bruer of Ale or beere within the Cittie of Oxford and suburbes of the same do sell their said ale or beere aboue the saide prices vpon paine conteyned in the statutes of this Realme in this behalfe provided. A.D. 1579.

[1] A loose paper contained in Bodl. MSS. 337.
[2] Mun. Acad. i. 180.
[3] G. G. 149 *b*.

2. Item the saide Vicechauncellor streictly chargeth and commaundeth that no Inholder, victualler, seller of ale or beere, or any that putteth or setteth to sale any ale or beere by retaile shall sell the same aboue the rate of iiij^{d} the gallon that is to saye an ale quart for a penny, an ale pinte for a halfepenny and an ale halfe pinte for a farthinge. And that they & every of them shall putt their ale & beere to sell, aswell in their houses as out of their houses, in no other measures then in pewter pottes allowed & sealed by the Clerkes of the markett of this vniversitie & accordinge to the rates aboue specified. And that none [of] the parties aboue mentyoned shall deny or refuse to sell to any of the Queens Majesties lige people ale or beere accordinge to the rate aboue lymyted, yf he or they haue any in their houses, vppon peine to forfeite for eyther & every of the offences x^{s} besides farther punishment at the discrecion of the saide vicechauncellor or his deputie.

3. Item, that every Inholder within the Cittie of Oxford and suburbes of the same haue in his or their houses, for the purpose and vse aboue mencioned, at the least foure Ale pewter pottes and so many pinte pewter pottes allowed and sealed by the Clerkes of the Markett of this Vniuersitie. And in like manner every other victualler & seller of Ale & beere by retaile haue in his or their houses for the saide purpose & vse two quart pewter pottes and two pint pewter pottes for ale sealed as aforesaide vppon peine to forfeit for every tyme that they or any of them shallbe found defectiue and wantinge the same x^{s} besides farther punishment at the discrecion of the saide vicechauncellor or his deputie.

Item, whereas divers in this Cittie of Oxford & suburbes of the same haue bene sundry tymes grevously complayned vpon for vniust & unlawfull weightes, measures & yeardes to the great infamye & reproch of the saide Citie and also of this Vniuersitie vnto the which the reformacion thereof apperteyneth. Nowe the saide Vicechauncellor to take cleane away as neere as may be the cause of all such obloquye & iust complaint for the same; hath to the great Charges of this Vniuersitie and trauaile of some therevnto chosen & appointed (through the speciall good meanes of the right honorable the Earle of Leycestre Chauncellor of this saide Vniuersitie procured a perfitt standerd of all weightes & measures, for the tryall of all other weightes & measures, And prepared a convenient place in St. Maries to keepe the same, whereunto men may haue convenient accesse to try theires. And therefore he precysely & strictly chargeth & Commaundeth that all weightes as well Troye as Auer de pois, all measures for graine as busshells, half bushells, peckes and halfe peckes, All measures for wine to be sould by retaile as gallons, pottells, quartes, pintes & halfe pintes: And all measures for ale and beere to be sould by retaile as gallons, pottells, quartes, pintes & halfe pintes: And all kind of meate yardes for wollen lynnen, silke &c. and all other measures (onlye brueres measures as barrells, kilderkins, firkins, Runlettes, Lademeales, gallons excepted) which are & may be more conueniently tryed at their houses, to be brought into the place appointed for the same purpose at St. Maries

aforesaid, then to be veiwed, tryed & sised, allowed and sealed betweene the first daye of the moneth of June and the xxiijth day of the same moneth next followinge this present proclamacion 1579, which respit of time the saide vicechancellor graunteth, for that his meaninge is not to seeke the extremitie of lawe; vppon any th' offendors in the premisses for any fault heretofore commytted so that the same within the saide tyme be reformed without fraude. But from henceforth all such as shallbe found to haue vnlawfull weightes, measures, or yardes, to be punished severely accordinge to dyvers statutes of this Realme in that behalfe provided.

Item whereas very good statutes and lawes are made for the conservacion of the younge broode spawne & frye of fish, which good statutes & lawes notwithstandinge the same is continually taken, sold & spoyled to the greate hurte and detryment of many, the saide Vicechauncellor vnderstandinge great fault to be in Mancyples, Cookes & others concealinge the same, for the better reformacion hereof streictly chargeth all Mancyples & Cookes & others of the Vniuersitie & Citie of Oxford and suburbes of the same in no wise to conceale but to detect eyther to the Vicechauncellor or the Clarkes of this Markett all & singuler such offendors which they know or vnderstand of, vpon paine they and every of them to forfeit for such Concealement & not deteccion x^{s}, over & besides the doue punishment by lawe for such offendors. And that none should pretend ignorance herin, no pickrell is lawfull oyther to be taken or sold not beinge in length tenne ynches, fishe or any troute not beinge eight inches, or any barbell not beinge in length xij ynches or any Salmon not beinge in length xvj^{teene} inches fishe.

Item, the said Vicechauncellor strictly chargeth & Commaundeth that noe Chaundellor within the Cittie of Oxford & suburbes of the same doe from henceforth sell a pounde of the best cotten Candells aboue the price of iij^{d} nor a pound of other Candells made of browne weeke aboue the price of ij^{d} ob., vpon peine to forfeit for every pounde of Candelles solde for more then these peyces lymited xij^{d} besides the losse of the Candells so solde or the value of them.

God saue the Queene.

In computo Doctoris Culepepper Vicecancellarii Oxoñ.
anno Domini 1578 et partim in 1579.

Solut. principali Hart Hall scribenti proclamacionem 25 Novembris 8^{s}.

Solut. Magistro Polston scribenti tres proclamacionis 7^{s} 6^{d}.

Mr Pollexfen alias Polson or Polston Regestrarius curiæ Cancellarij Oxoñ. G.G. p. 276 anno Domini 1578.

Proclaymed 23 Maij 1579 Eliz. 2 [1].

[1] Twyne's MSS. 16, 41, 42.

A.D. 1618. Sep. 8th 1618. Wheate being at xxxvj^{s} vj^{d} the q^{rt} the peny white loffe is to bee at ix ounces, and the other proportionable.

Willm. Goodwin Vice Cc̄ella:
Registratam per dominum Rogerum Jones Registrarium[1].

A.D. 1620. Nov. 23^{d} 1620. In w^{h} day and yeare there came before mee all the Chandelers dwelling withi the Cittye of Oxford and according to the priviledges of ye Vniversitye they received a size for selling their Candles.

The best Cotton Candles at 5^{ob} the pound.
The other week Candles at 3^{d} the pound.

Jo: Prideaux Vice Cancell.
William Benet[2].

A.D. 1624. The second price of Wheate being at 5^{s} vj^{d} ye Bush: the Quarter at 44^{s} shillings, the pennie white lofe is to weigh 7 ounces and a halfe Troy weight (9. ʒ dim :). The pennie Wheaten loafe is to weigh 11 ounces and a halfe, Troy weight (14 ʒ di:). The Pennie houshold lofe 15 ounces a quarter of an ounce & 1^{d} weight Sterling (18. ʒ).

This size to begin uppon Tuesday the 9th of November [1624].

Jo: Prideaux Vice Can: Oxon.

Malt being at 18^{s} 4^{d} the quarter, a Barrell of double beare must be 9^{s} 4^{d}. And the middle and single proportionable. The ale 5^{s}.

Jo. Prideaux Vicecan. Oxon.
middle 7^{s}
single 4^{s} 8^{d}[3].

A.D. 163$\frac{4}{5}$. Barlie from Michaelmas to this pṣent 25 of Feb. 1636 hath beene everie weeke solde for 24^{s} y^{e} Quarter, sometimes more. Mault hath beene ordinarilie solde for 26^{s} 8^{d} y^{e} Quarter, sometimes more, this pṣent it was sold 26^{s} 8^{d} y^{e} Quarter, soe y^{e} Assize of double beare is to bee 10^{s} 8^{d} y^{e} Barrell, and soe proportionablie, the Assize of Ale v^{s} 8^{d} y^{e} Quarter. This Assize to begin Feb. 27. 1636.

Ric. Baylie Vice-Can: Oxon.
Will: Collingwood, John Gregorie } Cler. Mer.[4]

A.D. 165$\frac{4}{5}$. Januarie y^{e} 15th 16$\frac{4}{5}$. The second price of Wheate bieng then four shillings and eigtpence the Bushell, and there being a fitt allowance made to y^{e} Baker: The Penny White Loafe is to be seven ounces and fifteen pennie weight Troy. And the halfe pennie White Loafe is to be three ounces and seventeen pennie weight and an Halfe. And the rest proportionable. This Assise to begin the 17th of this instant Janua.

Joh. Owen Vice Can:
Thos Tias, Johañes Hulet } Cler. Mercat. Oxon.[5]

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[1] MSS. Assise Bk. Univ. Arch. [2] Ibid. [3] Ibid.
[4] Ibid. [5] Ibid.

Feb: 19. 1673. Prizes of Wines set and appointed by the Vice Ch[r] of the University of Oxford, according to which they are to be sold rateably in all measures, from and after the twenty seventh day of this instant Feb. 1673. A.D. 167$\frac{3}{4}$.

1. Canary wines, Alecant, and Muscadels, two shillings the quart, and no more.
2. Sack and Malagoes, one shilling ten pence the quart and no more.
3. French wines, one shilling the quart, and no more.
4. Rhenish wines, one shilling sixe pence the quart, and no more.

Ra. Bathurst
Vice Chancel.[1]

Univers. Oxon. Mar. 12. 1680.

The seal of y[e] Chancellor's Office was affixed.

The prices of Provision, appointed by y[e] Rev[d] Timothy Halton D[r] of Divinity, Provost of Queens Coll: and Vice-Chan. to y[e] most illustrious James Duke of Ormond, &c. Chancellor of this University, his Majestys Clark of this Markett, w[ch] prices all sellers are required not to exceed. A.D. 168$\frac{1}{2}$.

	s.	d.
Impr. A p[d] of butter sweet & new y[e] best in y[e] Market	0	6
Item. A p[d] of second butter sweet and new	0	5
Item. A p[d] of the best cheese	0	2 ob.
Item. A p[d] of second cheese	0	2
Item. Eggs six for	0	2
Item. A couple of Capons, y[e] best in the Markett	4	0
Item. A couple of second Capons in the Markett	3	6
Item. A couple of Chickens y[e] best in the Markett	1	4
Item. A couple of 2[d] Chickens in the Markett	1	0
Item. A couple of fat Pullets	2	0
Item. A dozen of Pidgeons y[e] best in the Markett	2	0
Item. A couple of fat stubble Geese, y[e] best in y[e] Markett	5	0
Item. A couple of Rabbets the best in y[e] Markett	1	4
Item. A couple of second Rabbets	1	0
Item. A fat pig the best in the Markett	2	6
Item. A second pig in the Markett	2	0
Item. A stone of the best Beef at the Butchers weighing eight pound Avoirdupois	2	0
Item. A stone of the 2[d] beef at the Butchers	1	8
Item. A q[ter] of y[e] best weather Mutton at the Butchers by the pound	0	3
Item. A Quarter of the 2[d] weather Mutton at the Butchers by the pound	0	3

[1] MSS. Assise Book Univ. Arch. [A printed copy of this is in Wood's collection (Bodl. Wood 276 A, f. 372), which has the following MSS. entries, after 1, 'Before for severall years at 2[s] 2[d] to y[e] great resentment of all, who to make even money would either spend more or give y[e] Brewer y[e] rest. This price was raised upon pretence of carriage.' And after 3, 'Before for severall years at 1[s] 1[d].']

	s.	d.
Item. A q^{ter} of ye best Lamb at ye Butchers by ye pound	0	0
Item. A q^{ter} of ye best Veal at ye Butchers by ye pound	0	2 ob.
Item. A q^{ter} of 2^{d} Veal at ye Butchers by ye pound	0	2
Item. A whole flitch of Bacon by the pound	0	4 ob.
Item. Rib Bacon by the pound	0	6
Item. A Pound of Tallow Candles made of Wick	0	4
Item. A Pound of Cotton Candles or Watching Candles	0	4 ob.
Item. Hay & Litter day & night for one horse within every Inn & Livery Stable	0	6
Item. A Bushel of y^{e} best Oats within every Inn	2	8
Item. A Bushel of y^{e} best Beans wthin every Inn	4	0
Item. A couple of the best ducks in the Markett	1	6
Item. A couple of the best Turkies in the Markett	3	0
Item. A couple of the best Duck and Mallad in the Markett	3	0[1]

A.D. 169$\frac{3}{4}$. The measures of several sorts of fish to be sold in y^{e} market, delivered to Andrew Skinner by the Water Baily.

	inches
Salmon	16
Pike from y^{e} eye to y^{e} tayle	10
Barbell	12
Troute	8
Chubb	12
Perch	8
Roch and Dace	6[2]

Nov. A.D. 1701. Whereas for the good Government of the University of Oxon by several Letters Patent under the Great Seal of England and many Charters confirmed by Act of Parliament, the Custody of the Assize, and Assay of Wine, Beer, and Ale, and the sole Government of the same within the Liberties and Precincts of the said University, doth belong to the Chancellor thereof, or his ViceChancellor for the time being.

And whereas by an Order dated the seventh day of July 1701, the Assize and Assay of Wine Beer & Ale was Sett Appointed and Published: Wherein, by reason of some pretended general Words or Expressions, Endeavours have been used to Elude and Evade the Force of the said Order: For prevention whereof (for the future) the said Order dated the seventh day of July 1701 is now in part Repealed and Explained. And it is hereby Ordered and Required by the Authority aforesaid, for the preventing the extravagant prices at which Wines have or may be sold within the Precincts of this University: that from and after the tenth day of the present November (the present duties upon Wines being included)

I. No Sack, Malaga, Canary, Sherry or Muscadel Wines be sold for more than two shillings the Quart.

[1] MSS. Assise Bk. Univ. Arch. [2] Ibid.

II. No Rhenish Wines, be sold for more than one shilling and six pence the Quart.

III. No Wines commonly called Port Wines, or other Red Wines, (except as before and hereafter is allowed) nor Barcelona, or Alicant Wines White or Red, be sold for above one shilling and six pence the Quart.

IV. No French Wines, either White or Red, or Florence, be sold for above one shilling and eight pence the Quart. And in case any Vintner shall pretend to deal in Wines of any other Countrey, Place, or Name whatsoever, other then what is before mentioned, It is Ordered, that the said Vintner do not presume to Vend the same, or any part thereof, until the same be first Tasted and Approved, and the price or prices thereof, first stated and appointed by the Authority aforesaid, And that no Vintner do presume in any way to Mix, Imbase, Blend, or Corrupt any sorts of Wine.

Under such lawful Penalties as the case may require.

And that the Brewing of Unwholesome Liquors may be prevented, and the Extraordinary strength of the same Restrained, which is known to be prejudicial to the Health and Studies of Youth, as well as Expensive to Them: It is farther Ordered and Required by the Authority aforesaid

I. That no public Ale-Brewers, nor Beer-Brewers within the precincts of this University, presume to sell their double Beer or Ale for more than ten shillings the Barrel (besides the duty of Excise) and so proportionably for any other Vessel.

II. That no Victualers, Alehouse-keepers, or Retailers of Ale or Beer whatsoever, Living within the aforesaid Precincts, do presume to sell any of their double Beer or Ale for above two pence in the Quart (the duties of Excise included).

III. That no person Living without the Precincts of the said University, do presume to bring or sell within the Liberties of the same, any Ale or Beer at any higher Price than at ten shillings the Barrel (besides the Excise) and so proportionably at two pence the Quart as is above-mentioned.

IV. Also it is hereby Ordered, That no person whatsoever presume to sell or utter any Wine, Ale, or Beer, in any Potts or Vessels, saving such only as are of lawful Measure, according to the several Standards, Seal'd, Stampt, and allow'd.

Under such Penalties as the case may require.

Roger Mander, Vice Chancellor[1].

The Assise of the several sorts of fish. By the 1st of Eliz. Cap. 17. A.D. 1714.
(Salmon, Pike, Trout and Barbel as above.) By the 1 of Geo. I, 1714, Sect. 7.

No person after 29th of Sept. 1715 shall bring to shore, sell offer or ex-

[1] From a Broadside in Bodl. (Wood MSS. 276 *a*).

pose to sale, or exchange for any other Goods, fresh Fish, taken and imported by Foreigners, of a less size than

Turbot or Brett		Inches.
Brill or Pearl	14	
Codlin	12	
Whiting	6	
Bars or Mullett	12	
Sole	8	
Place or Dub	8	
Flounder	7	

By the By-Laws of the Fisherman's Company

Roach must be	6	Inches.
Dace „	6	

All under 6 inches of any sort are called Kettle fish or Brood. A Clause in the 9th of Queen Ann enacts that no person after June 10, 1711, shall wilfully kill or expose to sale any Spawn, Fry or Brood of Fish, or any unseasonable small or unwholesome Fish, or catch kill or destroy any Fish out of Season, or expose such Fish to Sale or knowingly buy, harbour or received upon pain of that Act, wh is

In London, the Ld Mayor and Aldermen.

In Countys, the Justices or any one of them to hear and determine.

Fine not above 20*l.* nor under 5*s.*

In the City one Moiety to Ld Mayor, the other to ye Informer.

In Countys, one Moiety to ye Informer, the other to the Poor.

To be levied by Distress or Sale.

In Default of Goods to be sent to the House of Correction for any time not exceeding 2 months.

Advertisemt in the Daily Advertiser,
Tuesday June 6, 1738[1].

A.D. 1760. Oxõn Market } Satd Dec. 20th 1760.

The second best price of a Bushell of Wheat was 3*s.* 3*d.* according to which price, and a due allowance made to the Baker, the Assise of Bread is as follows (vizt) :—

		L.	Oz.	Dr.
The 1d	White Loaf		10	14
	Wheaten		16	6
	Houshold		21	13
The 2d	White	1	5	13
	Wheaten	2	0	11
	Houshold	2	11	10

[1] MSS. Assise Bk. Univ. Arch.

		L.	Oz.	Dr.
The 4d	Wheaten	—	—	—
	Houshold	—	—	—
The 6d	Wheaten	6	2	2
	Houshold	8	2	14
The 12d	Wheaten	12	14	4
	Houshold	16	5	11

This Assise to take place Sat. Dec. 27th.

B. Peisley
J. Rawes } Cler. Merc. Oxon[1].

[This is the latest Assise Paper which I have been able to find in the University Archives].

APPENDIX E.

WHOSE THE MARKET IS.

'Here are 2 thinges to be considered; first viz. the Clarkeship of the market, and 2ly the market it selfe (which I take for the power to haue or keepe a market & to doe all thinges that is requyred to be done in a market &c).

for the Clarkeship of the market, known by the name of custodia assisæ panis, vini et ceruisiæ, ponderum et mensurarum, it was sometimes part or parcell of the feefarme of the Towne, as it was acknowledged by a Jury in 27 Edw. 3 and the fee farme of the Towne, the Townesmen had from k. John, whereby it followeth that the Clarkeship of the market was part of the fee farme in k. John's time; & this I thinke is not denied of any side. And though k. John had put it out of his handes & let it to the Townesmen in fee farme together with the whole Towne, yet was it still vnder the power of the kinges Clarke of the markett, to ouersee & correct any thinge amiss, &c., & for that, the Mayor or the Towne was vnder him, naye k. H. 3 went a little further, & vnder that pretence interested the Chancellor allso with the Mayor in the sayd costodie of assisa panis et cervisiæ, though the fee farme had byn made ouer to the Townesmen before, viz. by k. John; which sheweth, that the Clarkeship of the market was not so absolutely passed awaye before, but that the kinge by reason of his Clarke of the market, had still a power ouer the saide Clarkeship of the market, to dispose, in some sort thereof, at his pleasure.

But k. Edw. the 1 went further & vppon some abuses then found about the saide Clarkeship of the market & presented to him, did actually seize vppon it into his ownes handes, & so it remayned for many yeres in the handes of k. Edw. 2 & k. Edw. 3, vntyll the same k. Edw. the 3 had ioyned the Chancellor & the Mayor therein together, where it continued

[1] MSS. Assise Bk. Univ. Arch.

some 29 yeres with much adoe, vntyll at length it was taken awaye, by reason of the great conflict, & giuen wholy vnto the Vniuersitie & the kinges Clarke of the market, his handes taken of from it &c. and so the Chancellor became absolute Clarke of the market &c. And so much of the Clarkeship of the market.

Nowe for the market it selfe, or for the power of holdinge a market, though it should be granted that it passed awaye allso with the fee farme, & the fee farme vnto the Townesmen as the first takers, yet there were others here allso at that time that dwelt vppon the kinges demayne lande as well as the Townesmen, & perhaps did hold allso more or lesse of the kinge, viz. the Schollers, & Religious men, &c. who were as capable of that power as the Townesmen were, & perhaps were takers thereof before the Townesmen were themselues; wherevppon neither market nor towne it selfe is supposed to be so absolutely passed awaye by k. John (Villam Oxon. cum pertinentibus &c.) by reason of the fee farme vnto the Towne, but that the kinge could & did still reserue some power to extend to others, to share therein, & k. H. the 3. Vppon a quarrell in his time betwixt the Townesmen & the Schollers concerninge Custodiam Villæ, or the right to haue Custodiam ipsius Villæ [he] did determine that the Schollers had and should haue Custodiam ipsius vna cum Burgensibus ipsis, temporibus opportunis &c. and so hauinge a share in the custodie of the Towne it selfe, well might they be saide allso to share in the custodie of such thinges as belonged to the Towne, (as the market is supposed to be) & so they might be interested in the market it selfe, as well as the Townesmen.

But k. Edw. the 2 went further, & anno regni 14 or thereaboutes, ioyned the Chancellor with the Mayor in the very disposall of market folkes & places in the market &c. & with power as it maye be well supposed & gathered, to execute these thinges alone by himselfe & and by his owne authoritie in the Mayors default & the market was so ordered accordingly; and so it continued, vntyll the great conflict, when either all was deuolued vnto the Chancellor, (all mixt iurisdiction concerninge the market beinge then cut of) or else, if that power did remayne in the kinges handes, nowe it hath pleased his majestie nowe beinge to giue it to the Chanceilor alone &c.[1]

THAT THE MARKET THAT NOWE IS IN OXFORD IS RATHER THE VNIUERSITIES THEN THE TOWNES.

Here first I assume that there were no iust and lawefull publik markettes for order & government here in England before the statute of assise of Victualls came forth, which was in 50. H. 3[i].

2°. That allthough before that time the saide kinge had made a grant of such a kinde of market to this place viz. anno regni 39°, yet that graunt

[1] Twyne MSS. 16. 41.

was either principally made at the first, rather to the Vniuersitie then the Towne as appeareth by the forme of the graunt, or beinge then granted by the kinge in mixt & æquall iurisdiction to bothe the bodies longe before the great conflict, it came wholly & solely to the Vniuersitie & the Chancellor thereof after the conflict &c. And let this be proued, because it is supposed and maye be proued that all mixt iurisdiction ceased at the time of the great conflict, & was wholely translated to the Vniuersitie, as maye appeare by the wordes of limitation, quatenus Cancellarium Vniuersitatis duntaxat concernunt, &c. and againe because that Charter of k. H. 3 was neuer taken to be the Towne charter, because it standeth not vppon any of their Inspeximus, but only in the Vniuersities Inspeximus & great confirmations, it hathe stoode euer since the first graunt thereof to this daye &c. which sheweth that it was the Vniuersities owne proper charter at the first, and consequently that the auntient market of this place, is the Vniuersities and not the Townes &c.

Nowe if perhaps you will saye that all this concerneth only the Power of the Clarkship of the market & not the market it selfe, which may be & is the Townes still notwithstandinge any thinge in that charter of k. H. 3.

Note, that the cheife poynt about stallage & right therevnto, will rest vppon this poynt, viz. whose the markett is, either in whole or in part, the Townes or the Vniuersities ; because the Judge (Jones), though needlessely, at that time did declare that the market & all thinges incident therevnto, is the Townes : & stallage may be accounted a thinge incident to the market &c.

First see my notes de clerico Mercati &c.

And so I saye ; first that k. Edw. the 1 did not only take the clarkeship of the market of Oxford into his handes, anno regni 13. but allso the market it selfe, or so much part of the market as belongeth to the disposinge of the places of market folkes therein.

And first, for the Clarkeship of the market, that was neuer afterwardes restored to the Towne againe. Witnesse k. Edw. 3 in his charter anno regni 2° &c.

And for the other, viz. the disposall of places in the market though perhaps it maye appear that the kinge (Edw. 1.) had not the whole market in his handes, yet either he had part of it in his handes, (I meane so much as belonged to the market folkes places) or else, did write vnto the Towne to dispose of the market folkes places (& especially against hucksters) de assensu Cancellarij Vniuersitatis prædictæ &c. Whereby the Chancellor was interested then by the kinges authoritie in so much part of the market as belonged to the disposinge of places &c. and the places were disposed of as it appereth in Ordinacione mercati Oxon̄. &c. by vertue whereof, afterwardes in k. Edw. 3 his time, the Chancellor had a great hande, in two thinges ; first, about the remouall of the macellum ; & secondly, about the remouinge of the pillory.

And so you see that before the great conflict the Towne might dispose

of the markett folkes places with the Chancellors consent &c. which was a mixt iurisdiction, as much as it was a mixt iurisdiction for the Chancellor to be present at temptatio panis et ceruisiæ, as in k. H. 3 his charter, or to set prices vppon all saleable wares with the Mayor & Bayliffes, as it is in k. Edw. the first his charter. And so the Chancellor had mixt iurisdiction with the Towne, as well ouer the market it selfe, as ouer the clarkeship of the markett, at that time.

Nowe then, so much of the market as concerned the disposinge of places beinge then in the kinges power, & he appoyntinge the Chancellor to haue as it were mixt iurisdiction with the Towne therein before the great conflict, & since which time the whole Clarkeship of the market is become the Vniuersities, & all mixt iurisdiction therein ceasinge, why should not the other part allso viz. power ouer the market it selfe allso (for as much as concerned the places) be translated to the Vniuersitie, or why can not the kinge grant it wholly to the Vniuersitie, as he doth in the Vniuersities newe charter. Especiaily seinge that before that time, the Vniuersitie hath exercised power therein, as by particulars it maye appere &c.

Naye the Vniuersitie petitioned in the saide k. Edw. the 2 his time, that in default of the Mayor, the Chancellor might assigne these market places alone [1].

APPENDIX F.

A Copy of a License for a Maltster.

A.D. 1664. Robert Say Doctor of Divinity, Commissary to ye Right Honourable ye Earl of Clarendon, Lord High Chancellour of England, and Chancellour of ye Universitie of Oxon: one of his Majesties Justices of ye Peace for ye Counties of Oxon & Berks, to George Walker of ye City of Oxon Maulster. Whereas by ye orders set forth by a Proclamation of ye King's Majesty; and by ye Statutes of this Realme it is committed unto ye discretion of Justices of Peace and other Head Officers of Citys within ye precincts of their Liberties to restrain or allow in part or in whole ye number of Common Maulsters; and considering ye necessary supply to be made for ye great Provision of Mault to be spent by ye Multitude of people within ye Precincts & Liberties of ye said University and City; we have thought fit, that there be not an uncertain number, nor that every man at his pleasure may commonly Mault, but to abridge ye great number of Maulsters: and therefore we do allow you, George Walker aforenamed amongst divers other fit persons to use ye trade of Maulting within ye Precincts & Liberties aforesaid. Provided that you duely and truly observe and keep ye Statutes of this Realm for ye well making of Mault established, and also ye Book of Orders heretofore set forth as aforesaid, under ye Penalties there expressed. And also Provided that you ye said

[1] Twyne's MSS. 16, 83-4.

George doe and shall yearly ye next Markett day before ye feast day of St Michael ye Archangell, & ye next Markett day before ye Annunciation of ye Blessed Virgin Mary bring or cause to be brought into ye Market, for ye University and city of Oxford, half a Quarter of good sweet clean Merchandizable mault there to be sold at such reasonable prices as ye Market will afford. In witness whereof we have hereunto put ye seal of ye Office of ye Chancellour of ye Universitie of Oxon.

Given ye 10th day of February, 1664.

Ric. Witt. Registeı .

[1] MSS. Assise Bk. Univ. Arch.

PART II.

THE UNIVERSITY OF OXFORD

IN THE

TWELFTH CENTURY.

Melius est petere fontes quam sectari rivulos.

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INTRODUCTION.

THE origin of the University of Oxford must beyond question be sought in the twelfth century.

All statements as to its existence at an earlier period are now admitted to be mythological[1]; while in the opening years of the thirteenth century we find it already full grown: Popes and Kings are interested in its fortunes, its scholars are numbered by thousands, and the antagonism between town and gown is already accentuated. The institution has in fact attained to a development which implies a pre-existence, *ἐν μεταιχμίῳ σκότου*, during a considerable portion of the century preceding.

How far back into this twilight century can the University be traced, and what seems to have been the manner of its commencement?

The first step towards answering these questions is to collect such contemporary, or nearly contemporary, evidence as has come down to us, and to set it out textually, in chronological order, with such critical apparatus as may be necessary for estimating the value of each statement.

The evidence, so far as it is known to me, is not abundant, and one good result of exhibiting it in a connected form may be to suggest clues to sources of information as yet unex-

[1] The blunders, and perhaps forgeries, of the apologists of the legendary University have been admirably, and one may hope finally, exposed by Mr. Parker in vol. iii. of the publications of the Oxford Historical Society.

plored. We can hardly suppose that in the mass of MS. material which still remains unedited, in England and on the continent, no further allusions to the earliest Oxford teachers and scholars remain to be discovered.

In any case, it is only by piecing together such indications, be they few or many, as those contained in the following pages, that the story of the rise of the University can be truly told.

The authorities cited are, it is submitted, at the lowest, of such a character as to be entitled to credit unless and until they are displaced by authorities of greater weight. Their testimony is the more valuable that it occurs for the most part incidentally, while the writers are intent upon other matters. It is, as might be expected, at first intermittent and slight, increasing in volume and in importance towards the end of the period.

I may perhaps venture provisionally to sum up as follows the effect of the evidence, as it now stands.

No dramatic commencement of the University is discoverable. Here a teacher and there a teacher is mentioned, as it were by accident, in the scanty annals or correspondence of the times, till at length we come upon a great multitude of teachers and learners already bound together in an organised society. At Oxford, as elsewhere, the earliest teaching doubtless stood in some relation to the Bishop of the Diocese, although the gathering of scholars took place, not at the remote cathedral city of Lincoln, but at a spot marked out for the purpose as being a favoured royal residence, as the frequent scene of councils of Church and State, as easy of access by river from London, and as central for the resort of students from all parts of England and Wales.

It is early in the reign of Henry Beauclerc that we first hear of Oxford as a place of study. Between 1116 and 1120, and

doubtless for some years both before and after those dates, one Theobald of Étampes, who describes himself as a 'Master of Oxford,' was imparting secular literature there to classes of from sixty to a hundred scholars (No. I. 7). He had previously discharged similar functions at Caen (No. I. 1, 2), which, since the appointment of Lanfranc to be the first Abbot of St. Stephen's Monastery, had rivalled the fame of Bec as a seat of learning[1]. Theobald was a secular priest, and probably an honorary chaplain of Queen Margaret of Scotland (No. I. 2). Though an outspoken adversary of monasticism (No. I. 5), he seems careful of the good repute of Canons secular (No. I. 6); and the question suggests itself, whether his teaching was in connection with any body of secular Canons at Oxford. The two Houses of such Canons existing in the town in 1116 were St. Frideswide's and St. George's in the Castle, neither of them, it would seem, flourishing enough to maintain an important school. The depressed condition of the former is described by an eye-witness: 'Nostro tempore paucissimis ibi clericis, qui pro libito viverent, residuis[2]'; and in 1122, before the probable date of the 'Rescriptum' (No. I. 7), which describes Theobald as still engaged in teaching, this House was converted into a monastery of canons regular, with whom it is unlikely that he could have worked harmoniously. Little is known of the small foundation of St. George's before its absorption into the Abbey of Osney in 1149. There is in fact no evidence, either at this date or afterwards, of the dependence of the Oxford schools upon any monastic or collegiate foundation. The earliest Oxford schools were perhaps, as we know was the case with those of later times, subject only to the authority of the Bishop. The appearance of Theobald in the central city of the diocese of Lincoln may

[1] On the monastic schools of Lanfranc, and the, apparently secular, schools of Arnould and Theobald at Caen, see L'Abbé de la Rue, Essais historiques sur la ville de Caen, 1820, t. ii. pp. 70, 121. The family of Estampes was of importance in the Diocese of Bayeux. A Thibaut d'Estampes occurs as seigneur of Andrieu in 1413, and a Raoul d'Estampes is Vicomte of Caen in 1420. Ib. p. 124.

[2] William of Malmesbury, De Gestis Pontif., lib. iv. Rolls Series, p. 315.

have resulted from the acceptance of that See in 1094 by his correspondent (No. I. 4) and sympathiser in hostility to monasticism, Robert Bloet.

The next great Oxford teacher whose name has been preserved to us is Robert Pullus, afterwards Cardinal, who, as we learn on the excellent authority of the Osney chronicler, gave a great impulse to the study of theology in England by his Oxford lectures, commenced in 1133 (No. II).

Almost if not quite contemporaneously with the Theological lectures of Pullus, Robert of Cricklade must have been 'ruling the schools' (No. III. 3), and composing an Abridgment of Pliny's Natural History, which in after years he commended to the perusal of 'students, especially those in religious houses, and scholastics' (No. III. 2). His teaching appears to have been of a secular character. There is no reason to suppose that the schools in question were situated elsewhere than at Oxford, in which city and its neighbourhood this great scholar seems to have passed his life. His career as a teacher probably came to a close on his taking the habit of a Canon regular at Cirencester (No. III. 1, cf. No. III. 3, 'norma teneor alterius professionis'), or at any rate on his promotion to be Prior of St. Frideswide's in 1141. But his influence doubtless continued to be exerted for the promotion of sound learning at Oxford down to his death in 1180 (cf. No. III. 2, and No. III comment, citing Giraldus Cambrensis).

Shortly after the literary teaching of Prior Robert comes the first introduction into Oxford of the civil law, by a Lombard jurist and advocate ('causidicus') who had been brought to England, together with a library of law books, to assist Archbishop Theobald in his attempt, which ended successfully in 1146, to wrest the legateship from Henry, Bishop of Winchester (No. IV. 1, 4). In 1149 we hear of Vacarius as a great teacher, attracting to his lectures crowds of rich and poor, and composing for the special use of the latter a compendium, which became a leading text-book (Nos. IV. 2, 3, IX, X). The only statement as to the locality of the

teaching of Vacarius happens to be that of Gervase, monk of Canterbury, who tells us that it took place at Oxford (No. IV. 4). A better witness than Gervase, a contemporary of Vacarius, and writing in the city where the Italian jurist had no doubt chiefly resided while in the service of the Archbishop, can hardly be desired. His statement is not only uncontradicted by, but harmonizes with, all that we know from other sources of Vacarius and his writings. Towards the end of his reign, Stephen ordered all books upon the civil law to be burnt, and Vacarius was silenced (No. IV. 1, and comment, citing Roger Bacon). Whether, on the subsequent revival of the study, Vacarius resumed his lectures, we cannot say. It seems more probable that the Oxford teaching was carried on by his pupils, since he is traceable as holding ecclesiastical preferment, and employed under papal commissions, in the Diocese of York, at dates apparently ranging from 1164 to 1198. His compendium was glossed by a succession of teachers, who refer to him sometimes by name, sometimes as 'the master,' and was in 1190 in such repute at Oxford that two undergraduates sat up at night to copy a MS. of the work which they were perhaps unable to borrow during the day-time (No. IX). It was from their use of this 'poor-man's corpus iuris' that, according to the tradition repeated by Antony Wood (No. X), Oxford law-students were nicknamed 'Pauperistae.'

The next well-known name which occurs in connection with Oxford studies is that of the accomplished and energetic Welsh priest, Giraldus Cambrensis, who as a young man had seen Prior Robert in his old age (No. III comment), and who in 1187 returned to Oxford to give there a public reading of his 'Topography of Ireland.' Being minded, he tells us, not to put his light under a bushel, but to set it on a candlestick, he brought his book to the place in all England most famous for scholars and scholarship; and his narrative of the proceedings presents us with the picture of an academically

organised society, divided into several Faculties, each with its Doctors and students (No. VII).

The curtain thus rises for a moment upon a fully developed University.

Of the details of its organisation and even of its outward aspect, something more may be gathered from what is recorded of the early years of Edmund Rich, whose maturer life belongs to the next century. He studied at Paris as well as at Oxford, but it was at Oxford that we hear of his youthful studies in grammar, logic and rhetoric (the Trivium) of his knowledge of arithmetic, or rather geometry, of his obtaining the licence of the Doctors for becoming a teacher of these subjects, of his consequent promotion to the degree of 'Master of Arts[1],' and of his lecturing for six years as a regent Master. Contrary to custom, he attended mass every morning before lecture in a Chapel dedicated to the Blessed Virgin, which he caused to be constructed for the purpose, and persuaded his class to accompany him. The future saint when a boy was not without boyish tastes and distastes. We hear of his thinking more of the music than of the prayers at St. Mary's, cutting the concluding portion of the service there, and hastening out of the North door of the church with many others to play games. From another episode of his life, we learn that the schools stood in the churchyard outside the West door of St. Mary's, that the building was of stone, and was furnished with forms filled at the hour of lecture with 'copiosae catervae' of students (No. XIX).

The six names of Thibaut d'Estampes, Robert Pullein, Robert of Cricklade, Vacarius, Giraldus Cambrensis, and Edmund Rich, mark the progress of Oxford studies from the

[1] This is the earliest distinct mention of the degree of M.A. in England. St. Edmund is also said to have been 'Magister in Logica.' This was perhaps the imperfect degree known later as that of 'Sophista generalis.' Other such degrees, imperfect because implying a knowledge of one only of the seven Arts, all of which must be mastered for the degree of M.A., were 'Master in Grammar,' 'Laureate in Rhetoric,' and 'Doctor in Music.'

obscure schools of the first decade to the full-fledged University of the last decade of the twelfth century. It is to these names that most of the evidences which follow have reference, but I have endeavoured also to fill up to some extent the blank spaces between the epochs at which these great men flourished, and to procure information upon points upon which their lives throw no light.

The connection of Oxford with scholars and scholarship is thus corroborated by the mention by Prior Robert of the presence at his sermons, sometime before the year 1171, of 'clerici diversorum locorum Angliae,' in addition to the townsmen, (No. III. 4); by the story of the cure of the Yorkshire student, Stephen, in 1180 (No. V); by Walter Map being described as an Oxford Master in 1187 (No. VIII); by the 'multitude of scholars' in the Archbishop's court held in Oxford about 1195 (No. XI); by the voyage of Emo, in 1190, on account of the 'commune studium literarum quod fuit Oxonie,' and his eagerness to plunge into the study of the 'artes liberales' there (No. IX. 1); by the allusions of Prior Senatus, circa 1190 (No. XIII); by the Dublin Roll, c. 1190 (No. XIV); by the subsidised scholars in the time of Richard I (No. XVI); by the visit of Abbot Samson, 1197 (No. XVII); and by the, dateless, prophecy of Merlin (No. XVIII).

The deed (No. XII) indicates the presence, about 1190, in the neighbourhood of what was afterwards, if not already, known as 'schools-street,' of an active trade in the preparation of parchment, in engrossing, illuminating, and binding,—all arts ancillary to study. In 1197 we have a distinct mention of the 'magistri scholarum,' as invited to dine with the Papal Commissioners, much as the Heads of Houses are now entertained by the Judges of Assize (No. XVII).

The account of the studies of Emo and Ado in 1190 (No. IX), the story told by Giraldus of the passage of arms between the Oxford lawyers and Martin the jurist

of Bologna (No. X, so far as this may be accepted upon the report of Duck and Wood of the contents of the subsequently burnt pages of the Cotton MS.), the mention of Martin and many other jurists as present at a court held by Archbishop Walter (No. XI), and the more ambiguous allusions of Daniel Morley (No. VI), would seem to indicate that at Oxford, as elsewhere towards the close of the century, complaints were made that the study of law was diverting attention from theology and her handmaids the liberal arts, and that students of law shewed an indecent haste in proceeding 'per saltum' from the Institutes of Justinian to the deeper mysteries of the Digest[1].

The story of Martin (No. X) would seem to imply some exempt jurisdiction over scholars; but as to the nature of such jurisdiction, or as to the organisation of the University, during the period under consideration, for the purpose of granting the 'venia docendi,' or of maintaining discipline, we have next to no information[2]. Such authority as existed was, as previously stated, doubtless that of the Bishop of Lincoln, exercised perhaps through the local Archdeacon, rather than through the Chancellor of the distant cathedral, the functionary to whom in ordinary cases was committed the superintendence of education. The Legatine decree of 1214 takes for granted the right of the Bishop, and treats it as capable of being exercised at his discretion, through the Archdeacon, or the Archdeacon's official, or through 'the Chancellor whom the Bishop

[1] Giraldus says that the Sibylline prophecy, which he had heard repeated in lectures at Paris by Meinerus, the pupil of Abelard, 'venient dies, et vae illis, in quibus leges obliterabunt scientiam literarum,' had in his day been fulfilled. He also enlarges on the *per saltum* grievance. Speculum Ecclesiae, Opera, Rolls Series, iv. p. 3. Cf. Gemma Ecclesiae, ib. ii. p. 37; A. Neckham, Rolls Series, p. 311; R. Bacon, Op. ined., Rolls Series. pp. 84, 418–20. The earliest extant work expressed to be written for use at Oxford is the 'Libellus de Iudiciorum ordine,' written by William of Droheda in 1234, and intended, says the author, 'auditoribus meis Oxonie commorantibus.'

[2] St. Edmund Rich was admitted to the degree of M.A., 'ex venia doctorum,' with no mention of the sanction of a Chancellor or other episcopal officer.

shall set over the scholars on the spot[1].' Pope Innocent IV (1243–54) ordered that no one should lecture in any Faculty who had not been examined and approved by the Bishop of Lincoln, or his deputy[2]. Long after the regent masters had established the custom of electing their own Chancellor, the Bishop was able to insist that the nominee of the University should come to him for confirmation [3].

In what sense was there a University at Oxford in the twelfth century? The answer to this question involves some definition of terms.

In the growth of the older Universities we may distinguish three stages.

First, there is a more or less fortuitous gathering of teachers and students, occupied with a higher range of subjects than is included in the ordinary instruction of boys.

Next, the teachers become a sort of guild of masters or doctors, whose consent is needed for the promotion into their own order of a candidate who has gone through the needful course of study under their care. Here we have the origin of 'degrees,' which, at first valid only where they were granted, acquire later, in many cases, an international recognition [4].

Lastly, comes the stage in which the hitherto loosely organised society of teachers and scholars acquires a cor-

[1] The decree is set out in Anstey, Munimenta Academica, Rolls Series, ii. p. 2. For certain purposes it recognises the episcopal authority as exercisable not only through the Archdeacon, Official, or Chancellor, but also through any one else specially deputed by the Bishop. Accordingly in 28 H. III. the Bishop appoints the Abbot of Osney and the Prior of St. Frideswide's as his deputies for receiving imprisoned clerks from the Sheriff. See Lyte, History of the University of Oxford, p. 42.

[2] Bp. Wallis' Register, cited by Lyte, p. 40.

[3] Lyte, p. 127. The necessity for such confirmation was abolished in 1368 by a bull of Urban V, q. v. in Wilkins, Concilia, iii, p. 75; Lyte, p. 170.

[4] Such as was granted to Toulouse in 1233 by Gregory IX, 'ut eadem libertate gaudeant qua gaudent Parisienses scolares . . . ut quicunque magister ibi examinatus et approbatus fuerit in qualibet facultate, ubique sine alia examinatione legendi liberam habeat facultatem.' Denifle, p. 20. In 1296 Oxford was applying for the same privilege. Letters from Northern Registers, Rolls Series, p. 122.

porate existence, equipped with a well-defined constitution, and fenced round with privileges.

To these three stages of development three technical expressions roughly correspond.

The rudimentary institutions for the pursuit of the higher learning are described merely by the generic term 'scholae.'

The better defined society of masters and scholars begins towards the end of the twelfth century to be spoken of as a 'studium'; and in the thirteenth century, the more important of these societies, intended for the resort of persons from all quarters, are described as 'studia generalia[1].' 'Studium generale' or 'commune,' soon became, and long continued to be, a technical term implying well understood attributes[2].

The officially recognised corporation of the masters and scholars of a given 'studium' began, in the thirteenth century, to be described as a 'Universitas'; and this in two senses, a looser in which it was applied to any collection of persons, and a stricter, in which it was applied, synonymously with 'collegium,' to any corporate body recognised as such by law. The phrase usually employed is 'Universitas Magistrorum et Scholarium,' but we also meet with 'Universitas studii.' Till at length 'Universitas' comes to be synonymous with 'studium generale,' and in modern usage the term 'University' has no other meaning[3].

[1] That this is the true meaning of 'studium generale' is amply demonstrated by Denifle, Die Universitäten des Mittelalters, i. p. 11. Alexander IV writes with reference to Paris: 'Ad id in civitate ipsa generalis studii fundamenta ... stabilita esse noscuntur, quod ex omnibus gentibus illuc pro acquirendis magnis scientiae opibus confluat continue multitudo.' The epithet 'generale' has nothing to do with the character of the studies pursued. Cf. 'generale concilium.'

[2] 'Studia generalia hodie seu publica dicuntur scholae in quibus publice, ex privilegio pontificis summi, vel principis, vel antiqua consuetudine cuius initium non exstat memoria, studium est privilegiatum et permissa societas et concursus scholasticorum et docentium, continens pro contento.' Petrus Gregorius, De republica, lib. 18, c. 1, 1597, cited by Denifle, u. s. p. 23.

[3] It may be observed that the older survived into the periods in which a later terminology had become usual. Pope Alexander III in the same bull speaks of

We are now in a position to answer the question whether or no a University existed at Oxford in the twelfth century.

If we mean by 'University' a corporate, or quasi-corporate body, capable of being described as a 'Universitas' in the sense borne by that term in Roman law, the answer is that we have no evidence of the Oxford schools having attained that character in the twelfth century, or of the term 'Universitas,' either in its stricter or in its more popular sense, having been used to describe them.

If on the other hand we mean to inquire whether or no there existed a 'studium generale,' a numerous and organised body of teachers and scholars, dealing with the higher learning, the teachers of which formed a sort of guild, recruited by cooptation from the scholars, who on such cooptation received and retained the title of 'Master' or 'Doctor'; the answer must be in the affirmative. The Oxford schools in the later decades of the twelfth century possessed the essentials of a University, though the corporate character, afterwards conceded to such an institution, had not yet been acquired by them[1] nor were they described by a term which was not applied to such an institution before the century following[2]. The 'scholae' of Stampensis and Robert of Cricklade had developed, as we learn from Abbot Emo, into the 'commune studium literarum Oxonie' (No. IX).

'scholas regere' and 'studia literarum regere.' Denifle, p. 8, *n*. Mr. Lyte cites a writ of 1238 addressed 'Archidiacono et Cancellario Universitatis Oxon.,' without further words, p. 37; but in the bull of Pope Urban V, of 1368, we get the phrase 'Universis magistris et scholaribus studii Oxoniensis,' and also 'Cancellarius Universitatis eiusdem studii.' Wilkins, Concilia, iii. p. 75.

[1] We need not follow Denifle in declining to speak of an institution as a University before it has become a corporation. 'Das was wir Universität Paris, oder Hochschule von Bologna nennen, sind nicht die Schulen vor der Bildung der Corporationen an denselben, sondern die Schulen von jenem Momente ab wo der Bildungsprocess von Genossenschaften vor sich gegangen war,' i. p. 63 *n*.

[2] How untechnical was the application of the term 'Universitas,' even as late as 1243, will appear from the letter of the University on behalf of St. Edmund (No. XIX. 2), commencing: 'Grex humilis Universitas magistrorum et scholarium Oxonie commorantium cum universa multitudine fratrum Praedicatorum et minorum.' It seems almost an accident that the scholars and masters residing at Oxford are described as a 'Universitas,' the friars only as a 'Universa multitudo.'

The society before which Giraldus gave his public reading was a University in fact though not in name.

No one who has attempted what might at first sight appear the easy task of collecting the trustworthy material available for a limited period of history will be surprised to learn that, in sifting the evidence as to teaching at Oxford in the twelfth century, I have had to make inquiries in many quarters, and to trespass upon the good-nature of many correspondents. I have to thank the Dean and Chapter, and Mr. Hooper, the Librarian, of Worcester Cathedral, for giving me an opportunity of examining at leisure their valuable MS. of Vacarius, and Professor Stölzel, of Berlin, for lending me his unpublished collation of the Prag MS. of the same writer. I have also to thank, for kind replies and useful suggestions, the Lord Bishop of Oxford, Mr. E. A. Freeman, the Editor of this volume, the Rev. W. D. Macray of the Bodleian, Mr. Maxwell Lyte, Deputy Keeper of the Public Records, Mr. Warner and Mr. Jeayes of the British Museum, Mr. Sinker, Librarian of T. C., and Mr. Niel, Librarian of Pemb. Coll., Cambridge, the Rev. C. Plummer, Librarian of C. C. C., Oxford, Mr. G. Parker and Mr. G. W. Wheeler of the Bodleian, Mr. Arthur Leach of the Charity Commission, Dr. R. L. Poole, and the Rev. S. R. Wigram. My great obligations to the Rev. Hastings Rashdall, the result of whose labours upon the comparative history of Universities is eagerly expected by all interested in the subject, will appear from specific acknowledgments, especially with reference to Thibaut d'Estampes. To the wide knowledge and unfailing courtesy of Mr. Madan, Sub-librarian of the Bodleian, I have been constantly indebted for assistance of all kinds in exploring the treasures committed to his charge.

T. E. H.

31 *August*, 1889.

EVIDENCES.

No. I.

The teaching of Theobald of Étampes.

Circa 1100-1125.

(1)

From LETTERS OF THEOBALDUS STAMPENSIS, printed in D'Achery, Spicilegium, t. iii. p. 447; reprinted in Migne, Patr. cursus, t. clxiii. col. 759.

MARGARITAE praecellenti Reginae, praecellentis Regis filiae, Theobaldus Stampensis, Doctor Cadumensis . . . Proinde si maris inconstantia non prohiberet, et praesentatio mea vobis fastidium non generaret, quod semper optavi, vestro aspectui me gauderem praesentare . . . Omnimoda igitur supplicatione vos exoro, quatenus in hoc mihi permittatis gloriari, ut in numero clericorum vestrorum deinceps valeam computari, &c.

Margaret, wife of Malcolm Canmore, King of Scotland, and sister of Edgar Atheling, died in 1093. This letter, if addressed to her, as is hardly doubtful, cannot therefore have been written later than that year.

(2)

From D'ACHERY, u. s. p. 447.

Theobaldus, Magister Cadumensis, Philippo amico suo desiderabili, a laqueo venantium et a verbo aspero liberari, &c.

There is no clue to the date of this letter or to the personality of Philip, who seems to have been accused of overfondness for the society of women. Theobaldus thinks there are greater faults than this, e.g. self-righteousness.

(3)

From D'ACHERY, u. s. p. 445.

Theobaldi Stampensis ad episcopum Lincolniensem, de quibusdam in divina pagina titubantibus. Si quis praedicat et praedicando temere definiat aliquem non posse salvari quacunque hora manus suas poenitentiae dederit, fallitur . . . Si quis tamen importunus asserit neminem posse salvari, nisi possit ore confiteri, non bene discernit confessionem . . . Si quis vero hanc epistolam improbare voluerit, et hos praefatos Doctores catholicos recipere noluerit, lapide percutiatur, percussus comminuatur, comminutus in pulvere redigatur.

D'Achery dates this letter 'anno circa 1108,' but gives no reasons. It was probably addressed to Robert Bloet, Bishop of Lincoln from 1094 to 1123, an opponent of monasticism. He died after a hunting party with Hen. I., at Woodstock.

(4)

From D'ACHERY, u. s. p. 447.

Pharitio venerando Habendoniensis ecclesiae Praelato, Domino suo, et indubitanter amico, Theobaldus Magister Oxenefordiae, &c. [He repels a charge of false teaching on the subject of unbaptized infants, suddenly made against him by the Abbot, and asserts the unquestionable damnation of such, continuing] si quis autem veritatis inimicus contra hanc sententiam catholicam vellet delatrare, paratus essem eum sacrilegum, et canem improbum, et scripto et viva voce confutare . . . Hanc autem excusationem nolite iudicare invectionem, . . . Nolo enim facere mihi inimicum, quem vestra bona moralitas nuper peperit amicum . . . [concludes with compliments to the convent, and especially to his intimate friend the Prior].

Faritius of Arezzo, sometime cellarer of Malmesbury, was Abbot of Abingdon 1101–1117, Chron. de Abingdon, Rolls Series, ii. pp. 158, 291. Both Hen. I and his Queen availed themselves of his skill in medicine. Ib. p. 50.

(5)

From D'ACHERY, u. s. p. 448.

Roscellino, compendioso Magistro, Theobaldus Stampensis, Magister Oxenefordiae, non plus sapere quam oportet, sed sapere ad sobrietatem. Quoniam sacerdotum filios, et alios ex lapso carnis generatos, non satis provida ratione calumniaris, &c. . . . multo magis innocentes illos qui ex lapsu carnis orti sunt, sacris licet ordinibus insigniri . . . Deus enim vitam hominis, non nativitatem attendit.

Roscellinus fled to England in 1094, after the condemnation of his nominalism by Anselm and by the Council of Soissons, but returned to France in the following year, and is last heard of as opposing, in 1121, the views of his former pupil Abelard.

(6)

From IMPROPERIUM CUIUSDAM IN MONACHOS (an abuse of Monks), MS. Bodl. 561, fol. 61; copied in the MS. James, Ecloga, 20, fol. 1.

Thurstano Dei gratia laudabili Eboracensi archiepiscopo, T. Stampensis Magister Oxinfordie. Sic Christi summi pontificis vicem gerere, ut inter eiusdem vicarios sedem mereatur obtinere. In primis si vales bene, valeo. Deinde prout nostre occurrit memorie diligenter ad interrogata respondeo, quia aliud est ecclesia aliud est monasterium.

Ecclesia namque est convocatio fidelium; monasterium vero locus et carcer damnatorum, id est monachorum, qui se ipsos damnaverunt ut damnationem evitarent perpetuam. Fructuosius tamen damnantur a se ipsis quam ab alio. Nullus autem monachus dignitatem habet clericalem; quod enim habent capicia in transverso posita, significatio est quia ipsi clerum exuentes iam perdiderunt capita; quia non licet eis populo praedicare, vel baptizare, vel penitentem ligare vel solvere, sive cetera talia que dicuntur ad ecclesiam pertinere. Namque

sibi tantum vel alicui in monachia existenti possunt prodesse. Qua igitur fronte ecclesias recipiunt, quibus deservire non possunt? Vnde Ambrosius: 'Non debet de altario vivere qui non potest altari deservire.' Sed quod e contra respondent, per sacerdotes suos illis deservire posse, nichil est, quia servus non habet mittere dominum, neque ovis habet imperium super pastorem suum. Pastor vero dicitur esse clericus, ovis autem monachus. Unde Ieronimus, cum monachus esset, ait: 'Clericus pascit, et ego pascor.' Quia vero monachus pascitur et regitur a clerico, patet clericum superiorem esse monacho. Inde Ieronimus in oratoria epistola ad Eliodorum: 'Clerici patres habent Apostolos et apostolicos viros, nos autem habemus patres Macharios Antoniosque, filios profetarum, qui, habitantes iuxta flumen Iordanem, neque vinum neque siceram bibebant, et tunc solum captivos se reputabant cum in civitatibus et castellis habitabant.' Sic enim Gregorio referente cognovimus, cum quidam vir Dei ab ipso Deo moneretur ut servo suo Benedicto cibum deferret, quia fame cruciabatur, protinus surrexit, et cum alimentis quae sibi paraverat ad locum ubi vir sanctus morabatur cucurrit, famulumque Dei non per civitates vel castella sed per abrupta montium, per concava vallium, per defossa terrarum quaesivit, eumque tandem in specu latitantem repperit. Qui iccirco cum tanta difficultate repperi voluit, ut filios posteriores astrueret, si veri filii essent, non civitates vel castella frequentare, sed loca ab omni strepitu seculari remota potius inhabitare. Currunt equidem bene sicut opinantur, sed tamen extra viam currere iudicantur quibus amor secularis dominatur. Purgare ergo debent amorem suum, et aquam fluentem in cloaca convertere ad ortum.

Amor namque Dei et proximi dicitur charitas, seculi autem cupiditas, que et celi cives, si sibi adhaereant, transmigrare cogit in babiloniam. Non tamen iccirco clericus superbiat, et superbiendo monachum despiciat, quia sicut Apostolus ait: 'Nemo coronabitur nisi qui legitime certaverit.' Sic igitur monasterium, quod est ancilla, non debet habere imperium super ecclesiam, quae est Christi sponsa, quae

potestatem ligandi et solvendi habet, quod monasterium non habet.

Locus enim penarum, qui tantum propter corporum afflictionem et peccatorum deplorationem eligitur, claves ecclesiae prorsus habere denegatur. Quia nimirum qui monasticum habitum eligendo, et mundum postponendo, se ipsum damnando dignitate ecclesiastica indignum iudicavit. Quod si monachus sancte ecclesie regimen quandoque sortiatur, hoc non lege ecclesiastica, sed quadam dispensatione voluntaria, et clericorum penuria, fieri comprobatur.

Amplius legendo invenimus et inveniendo legimus, decimas ad sustentationem sacerdotum, quia de clero sunt, constitutas. Unde tribus Levi, que in figuram clericalis ordinis precessit, non habuit partem inter reliquas tribus, sed vivebat de primitiis, decimis, oblationibus, quas offerebant alie tribus. Quas tamen decimas monachi, etsi clerum exuerunt, frequenter et non rogati recipiunt. Contra quos idem Ieronimus loquitur dicens: 'Monachus raro accipiat et rogatus; monachus enim qui in terra possessionem querit monachus non est.' Sic quippe veri monachi metuunt paupertatis sue securitatem perdere, sicut avari divitesque solent perituras divitias custodire. Sic igitur probatur aperte monachus potius decimas dare quam accipere. Unde Ieronimus: 'Quod si munus ad altare non defero, mihi, quasi infructuoso arbori, securis posita est ad radicem,' id est si decimas non reddidero percutiar anathematis gladio. Quod utique non diceret, si monachus clericalis esset, nullus enim clericus nisi de clero, sed omnis monachus exuit clerum. Quare nullus monachus est clerus.

Quia tamen monachi abusive facti sunt clerici, quae tantum sunt clericorum iniuste computantur in bonis monachorum. Nichil ergo decime vel ecclesie ad eos iure pertinent, neque illae exactiones rigidae que a quibusdam monachis fiunt ad extorquendam pecuniam faciende essent, sed potius, sicut primitivi monachi, de labore manuum et de communi, quod Deus est, vivere debent. Quod autem nulla omnino a monacho sive clerico ad extorquendum nummum facienda sit exactio,

testatur Augustinus, hoc sequenti versiculo: 'Cum aliquis bona sua pauperibus erogaverit, veniat ad Augustinum, et vivat de communi, quod Deus est.'

(7)

From RESCRIPTUM CUIUSDAM PRO MONACHIS, immediately following the above, in MS. Bodl. 561, fol. 62.

Sicut ex supradictis conicere possumus, T. Eboracensem episcopum de ecclesie et monasterii distancia, deque clericorum et monachorum dignitate, de statu et habitu monachorum, Theodbaldum Stampensem, iuxta eiusdem Theodbaldi rescripta, consuluisse agnoscimus. Quod verum illud discendi vel temptandi gratia fecerit necne, omnino nescimus. Sed absit ut aliquis sanus sapiens aliquatenus crediderit quod tantus pontifex, robustissima scilicet ecclesie Christi columna, tantillum clericellum, litteris adhuc secularibus intentum, presertim post susceptum episcopatus officium, de statu ecclesie, potius de ignorancia quam ex industria consuluerit. Interrogamus enim aliquando quod scimus, scire volentes utrum et ille sciat, vel qualiter inde sentiat, quem interrogamus, ex industria itaque, magis quam ex ignorancia, credendum est eum requisisse, ut quia idem episcopus aliquatenus inde pulsatus fuerat, vel quia quid Theodbaldus inde sentiret scire voluerit. . . . Videamus itaque quid ille clericus inde senserit, et qualiter tanto viro ad interrogata responderit. Dixit enim quod sensit, immo quod voluit, nec tamen, si sanum saperet, quod debuit, nec aliud tamen ore proferre potuit nisi quod ex defloratione, sicut estimat, sacrarum scripturarum in armariolo sinceri pectoris reconditum habuit, neque enim quisquam aliud evomere poterit, nisi quod in pecore superfluum, immo noxium, habuerit . . . Eructans igitur, ut quidem eleganter mentiar, ex mellifluo gutture, de opusculis sanctorum undecunque bona dicta preposuit, quae postmodum corde perverso et invido nequiter exposuit . . . Hec interim iccirco subiungende rationi quasi iocando praemiserim, velut adhuc dissimulans quod is qui, cum loqui nesciret et tacere non potuit, de statu et habitu

monachorum non solum falsa scripserit, verum etiam multis ad legendum circumquaque inverecundus transmiserit . . . Sed quorsum hec? Rem ipsam iam eloquamur. Dicit enim: 'aliud est ecclesia, aliud monasterium,' &c. . . . Verumtamen cum ait quia monasterium est locus et carcer damnatorum, id est monachorum, cur oblitus est, ut quidem vulgo loquar, et regularium canonicorum? An ignorat quod Augustinus . . . Constat itaque monasterium esse tam canonicorum quam et monachorum. Quare ergo oblitus est et canonicorum? Forsitan ne damnarentur canonici sicut et monachi . . . nullus autem inquit monachus dignitatem habere clericalem. O lingua ventosa: Quae unquam poterit maior esse dignitas clericalis vel ecclesiastica quam sacerdotium? . . . Monachus, inquit, si quando regimen ecclesie sortiat, non fit lege ecclesiastica sed quasi dispensatione voluntaria, et clericorum penuria. O mentem amentem, veritatis fugacem, invidam, pertinacem. O inquam clericorum penuria. O clericorum et canonicorum vindicanda iniuria. Rogo itaque vos probi scolastici, obsecro vos valentes clerici, attestor vos religiosi canonici, imitamini Christum ducem vestrum, estote patientes, deponite lapides, continete manus, non lapidetur, nec, sicut meruit, miser patiatur. Omnium enim in communi hostis esse probatur. O clericorum penuria. O versi pellis vanitas, quid dixisti? Numquid Romae clericorum est penuria? numquid Mediolani? numquid Ticini? numquid Ravennae? numquid Carnoti? numquid Parisius? numquid Andegavis? numquid Rotomagi? numquid Baiocis? O penuria. Numquid Eboraci? numquid Lundoniae? numquid Salesberiae? numquid Lincolniae? O penuria. O infelix etsi de monachis utpote pauperibus tamen velut hominibus decreveras proferre vilia, cur Dei timore postposito de eius sponsa, sancta videlicet ecclesia, non es reveritus garrisse turpia? Dicis quia monasteria eo quod a monachis inhabitantur locus et carcer sunt damnatorum, et ideo iure vocantur ancilla; non attendens quia monasteria similiter a clericis sicut a monachis, ut supradictum est, inhabitantur, quem-

admodum ecclesia. Quid igitur monasteria Mediolanis, Turinis, Carnoti, Lugduni, Catalaunae, Pictavis, Rotomagi, Lundoniae, Salisberiae, Lincolniae, Eboraci, quae omnia a clericis incoluntur, numquid ancilla iure dicuntur? . . . Et si vagorum noveras vicia clericorum, debueras tamen honorem deferre timori magistrorum et religioni canonicorum. O Coridon, Coridon, que te dementia cepit? Numquid enim sunt ubique terrarum liberales magistri, qui dicuntur et clerici? Tu quoque, nescio quis, nonne magistri vice sexagenos aut centenos, plus minusve, clericos regere diceris, quibus venditor verborum cupidus efficeris, forsitan ut eos incautos nequissime fallas, sic & ipse falleris? Unde ergo ista tua clericorum penuria? Nam ut de ceteris provinciis sileam, fere totidem aut plures sunt per Galliam et Alemanniam, per Normanniam & Angliam, non solum in urbibus & castellis, verum etiam & in villulis, peritissimi scolarum magistri quot fiscorum regalium exactores et ministri: Unde ergo clericorum penuria? Quid igitur? Numquid hic sic excensis efficitur ut tales nec clericos nec canonicos appellare dignetur? An potius constat eum contra monachos in ira sic exarsisse, ut quid diceret noluerit providisse?

The twelfth century MS. Bodl. 561 contains the 'Improperium' (fol. 61, 62), the 'Rescriptum' (fol. 62–87), and 'Versus contra presbyteros' (fol. 87–90). The whole is reproduced almost textually in James' MS. Ecloga, 20, fol. 1–61.

Thurstan was archbishop of York 1119–1139. Both he and his brother, Audoen, Bishop of Evreux, were educated at Caen. Essais historiques sur la ville de Caen, par l'Abbé de la Rue, t. ii. p. 70.

*** The connection of Thibaut d'Estampes with Oxford, although duly mentioned by Bryan Twyne, Apologia, Lib. ii. §§ 275–277, and Ant. Wood, Annals, Gutch, i. pp. 140, 142, with a reference to the Bodleian MS., has been unaccountably overlooked by recent writers on University history. The credit of its re-discovery is due to Mr. Hastings Rashdall, who, in a letter to the 'Academy,' 25 May, 1889, called attention to the light which is thrown upon the career of Thibaut by his own letters and by the 'Rescriptum' of the champion of monasticism.

I have set out these texts at considerable length, since it is only by a minute examination of the allusions which they contain that any infor-

mation can be gleaned as to the character of the earliest recorded teaching at Oxford.

Theobald was certainly a priest, probably at some period of his life a secular canon, but seems chiefly to have been known as a teacher. In his earlier letters he describes himself as Doctor (or Master) at Caen, where perhaps he had some connection with the great Abbey of St. Stephen, founded by William the Conqueror, of which the learned Lanfranc was first Abbot; or he may have studied and taught in some free school, such as was that held at Caen early in the century by Arnould, nicknamed 'malcouronne.' De la Rue, u. s. p. 122. He seems to be included in the abuse poured by the author of the 'Rescriptum' upon 'wandering chaplains, curly haired and effeminate in their dress, no clerks, because ashamed of the clerkly tonsure and habit' (fol. 64 *a*). The date of his arrival at Oxford cannot be fixed, though there is some ground for thinking it may have taken place as early as 1094 (Bulaeus, Hist. Univ. Paris, t. 1. p. 489); but he must have been established there as a teacher some time before the death of Faritius in 1117 (4), and he continued to teach there after Thurstan had became Archbishop in 1119 (6).

No. II.

The Theological Lectures of Robert Pullein.

1133.

(1)

From THE OSNEY CHRONICLE,
Annales Monastici, Rolls Series, edit. Luard, iv. p. 19.

MCXXXIII. Magister Robertus Pullein scripturas divinas, quae in Anglia obsoluerant, apud Oxoniam legere coepit, qui postea, cum ex doctrina eius ecclesia tam Anglicana quam Gallicana plurimum profecisset, a Papa Lucio secundo vocatus et in cancellarium sanctae Romanae ecclesiae promotus est.

The Abbey of Osney was founded in 1129. This chronicle begins with the year 1016, and was continued to 1347. It exists only in one MS., Cotton, Tiber. A. 9, written in one hand up to 1233, afterwards by different hands. Another chronicle (existing only in an ignorantly-copied MS. of the end of the thirteenth century, Cotton, Titus, A. 14), attributed to Thomas Wykes, who became a monk at

Osney 1282, covering the period 1066–1289, does not contain the passage. The two chronicles are printed *en regard* in the Rolls edition.

(2)

From MS. Bodl. 712, fol. 275 a.

MCXXXIII. Quomodo Robertus cognomento Pullus legit scripturas divinas apud Oxon.

Eodem anno venit Magister Robertus cognomento Pullus de civitate Exonia Oxenfordiam, ibique scripturas divinas, quae per idem tempus in Angliam absolutae erant, et scolasticis quippe neglectae fuerant, per quinquennium legit, omnique die dominico verbum Dei populo praedicavit. Ex cuius doctrina plurimi profecerunt. Qui postea ob eximiam doctrinam et religiosam famam a Papa Lucio vocatus et in cancellarium sanctae Romanae ecclesiae promotus est.

This MS. begins 'Hic incipit cronica de adventu Anglorum in Britanniam secundum Bedam Anglorum istoriographum' (fol. 249). The chronicle is the work of an anonymous Continuator, who carries it down to the year 1269. The whole volume was written out, as appears from a note at fol. 88 b, for Robert Wyvill, Bishop of Salisbury, 1330–1375. See Hardy, Descr. Catal. iii, p. 174.

*** On the teaching of Pullus at Paris, 'quem vita pariter et scientia commendabant,' see John of Salisbury, Metalogicus, ii. c. 10 (ed. Giles, v. pp. 78, 81); on his chancellorship at Rome, and his refusal of a Bishopric offered by King Henry I, 'victum et vestitum habens his contentus fuit,' see John of Hexham's continuation of Simeon of Durham, s. anno 1147 (Rolls Series, ii. p. 319). For his death in 1146, see the Annals of Waverley, Annales Monastici (Rolls Series), ii. p. 231. His work, 'Sententiarum libri octo,' was edited by Hugh Mathoud, Parisiis, 1655; also in Migne, Patr. Cursus Lat. vol. clxxxvi, col. 640–1010.

No. III.

Prior Robert and the Schools and Scholars.

Circa 1135–1180.

(1)

From the LEIGER BOOK OF THE ABBEY OF CIRENCESTER, fol. 182, cited, as being 'apud D. Gul. Master,' in A. Wood's MS. 18 D. p. 174.

IN nomine Patris et Filii et Spiritus Sancti, ego Robertus

Crickladensis, Prior ecclesiae S. Frideswidae Oxeneford, dedi ecclesiae S. Mariae Cirencestrensis, in qua habitum canonici suscepi, et Abbati et canonicis ibidem Deo servientibus, terram in Cricklade.

This was an Abbey of canons regular, founded by Hen. I in 1117, and completed about 1131. Cricklade is about seven miles from Cirencester, and both places are about thirty miles from Oxford. Robert seems at the same time to have given a mill to S. Frideswide's. Reg. Mag. fol. 13.

(2)

From the Prooem to ROBERTI CRIKLADENSIS DEFLORATIO HISTORIAE NATURALIS PLINII SECUNDI. MS. Reg. in Mus. Brit. 15, c. xiv.

Studiosis et precipue claustralibus et scolasticis, Robertus Krikeladensis, Prior Oxinfordiae, non superbe sapere sed tramitem disciplinae humiliter percurrere. Plinii secundi libros de naturali hystoria xxxvii in novem coarctare volumina conatus sum, ad communem omnium ea legere volentium utilitatem. Hac usus brevitate ut vobis satisfaciam et fastidiosis causam captandi tollam . . . . nullum preiudicium doctioribus faciens . . . valete, et gratias agite illustrissimo Regi nostro Henrico secundo, cuius nomini hoc opus dedicare presumpsi.

King Henry is addressed in the dedication as, although 'in bellicis negotiis invictissimus, parto otio, non minus in literali scientia studiosus.' The language of the prooem is, to say the least, suggestive of its having been composed in a learned society.

(3)

From the PREFATIUNCULA ROBERTI PRIORIS SANCTE FRIDESWUTH IN LIBRUM DE CONNUBIO IACOB. MS. Ball. Coll. clxvii, f. 177. Cf. MS. Laud. 725.

Domino et amico, vere venerabili fratri, Laurentio monacho, monacho sane non modo habitu et professione verum etiam morum honestate. Frater Robertus, dum adhuc scolaris scolarum insisterem regimini, libellum quem composueram, sed estimo id memoria excidisse tua, tibi transmitti rogasti. Promisi; sed, ne religiosissimi animi tui gravitatem offenderet, lectis in eo ludicris quibus plenus erat, malui falsus promisse

existere. Vice igitur illius, cum sanctis fratribus qui tecum degunt, eque mihi tecum amandis, hunc accipe. Cuius et alia est executio thematis, sicut et ego norma teneor alterius professionis. In hoc enim ad nonnullorum, sed humillium et precipue noviciorum utilitatem, quantum Christi pietas concesserit, Sathane versutias conabor detegere, quibus maxime nititur regularem conversationem aggressos vel a sancto proposito deicere, vel quantulacunque saltem penitudine maculare. Sed nunquam ego solus caninos dentes evadere potero, obtrectatorum dico. Tamen nichil interest mea, quia, ut poeta gentilis ait: 'Pascitur in vivis livor, post fata quiescit' [Ov. Am. i. 15. 39]. Simul etiam quia inter me et illos nullas herciscundas [iracundias?] estimo equilibrandas. Verumptamen rudis et inculti sermonis veniam postulo. Neque enim prudentis est lectoris nimis attendere quando, sed quid dicatur. Contra enim ut scypho ligneo optimum propinetur vinum, est ut aureo perniciosissimum porrigatur venenum. Quia, ut profeta commemorat, est et 'aureus calix babilonis,' id est confusionis.

The writer seems to imply that his work as 'regent master' in the schools, if his language may thus be paraphrased, or as 'Rector scholarum,' was of an earlier date than his career as a canon regular. The book, which the Prior thought too full of oddities for the severer taste of his friend Laurence, may perhaps be identified with the abridgment of Pliny, which may have been written during this period, though not published before the accession of Henry II.

Frater Laurentius was possibly the Abbot of Westminster of that name (1160–1176).

In a prayer which follows the preface, Robert asks 'linguam meam, diu multumque noxiis et vanis infatuatam, tandem aliquem in rectum dirigere sermonem.'

(4)

From a LETTER FROM MAGISTER ROBERTUS DE CRICKLADE, PRIOR OF ST. FRIDESWIDE'S, TO BENEDICT, ABBOT OF PETERBOROUGH. Materials for the life of Thomas Becket, ed. Robertson, Rolls Series, ii. p. 97.

[Robert relates how an ailment, contracted twelve years

previously in walking from Catania to Syracuse, returned from time to time.] Quid plura? Intellexi morbum esse chronicum, nec posse humana manu curari; dicunt enim physici: 'Chronici morbi commoriuntur.' Testis est mihi populus civitatis nostrae, quem cum in festis diebus, quando loquebar ad eos, excitans eos pro modulo meo ad sectandam viam iustitiae, cum interessent etiam clerici diversorum locorum Angliae, praetendebam excusationem standi pro dolore praedicto, et sedens loquebar. Fuit autem in mente ad sepulchrum beatissimi martyris atque pontificis Thomae visitandum ire, ex quo martyrii eius insignia audivi. [He then describes his visit to Canterbury, and states that his cure was complete on his return to Oxford.]

The Miracula Sti. Thomae, in which this letter occurs, to which my attention was called by Mr. Rashdall, was apparently written by Benedictus Abbas while Prior of Canterbury, 1175-7. The two best MSS. of the work are at Lambeth and T. C., Cambridge.

The journey in the course of which Prior Robert overtaxed his walking powers was taken in order to obtain for his convent a confirmation of its privileges from the English Pope Adrian IV (1154-59). Cf. the Thómas Saga, ed. Magnússon, Rolls Series, ii. pp. lxxiv, xcii. The letter to Benedict, if written as it purports to be, twelve years after this expedition, cannot therefore be dated later than about 1171, and the miracle which it relates must have been among the earliest of those wrought after the martyrdom (28 Dec. 1170), but before the canonisation, of the Archbishop. That miracles occurred during the interval we learn from John of Salisbury.

*** Prior Robert is so important a figure in the history of Oxford teaching that it is worth while to set out, as nearly as may be in chronological order, the ascertained facts of his career.

He must have been born early in the century, probably at Cricklade, where he owned land (1). The period of his activity as a scholar and teacher can hardly be placed later than 1135. It is to this period that he refers, somewhat apologetically, in later years, as a time: 'dum adhuc scolaris scholarum insisterem regimini' (3), when his tongue was 'diu multumque noxiis et vanis infatuata' (3, comment), when he wrote a book too full of 'ludicra' to please an austere taste (probably the abridgment of Pliny) (3), and when he had not yet incurred the obligations of a different rule of life ('norma teneor alterius professionis,' 3). It must have been some time before 1141 that Robert assumed the habit of a canon regular at St. Mary's, Cirencester, the buildings of which were completed in 1133 (1).

In 1141 he was elected Prior of St. Frideswide's, in succession to Guimond, who had ruled the house for nineteen years, after restoring it to the use of regular canons (W. Malmesbury, De Gestis Pont. lib. iv, Rolls Series, p. 315; Dugd. Mon. ii. 135). Prior Robert is mentioned in a confirmation of privileges by Pope Innocent II in 1141, and in an award made by Pope Eugenius in 1148, settling a dispute between St. Frideswide's and the Abbey of Bec. (Reg. Magn. St. Frid., foll. 13, 269). It was after the accession of Hen. II, in 1154, that the Prior published his abridgment of Pliny dedicating it to the King, with a preface addressed 'studiosis et praecipue claustralibus et scolasticis' (2).

About 1159 he made a journey as far as Sicily (4), procuring from the English Pope Adrian IV (in 1158) a confirmation of the privileges of his Priory, and from Alexander III (1159–61) a bull as to the vill of Pyddinton (Regest Mag. foll. 65, 118). To the period between 1160 and 1180 may be referred the Liber de Connubio Iacob (3); as also a commentary on the later chapters of Ezekiel, dedicated by 'Robertus Crickladensis, omnium hominum minimus, Prior ecclesiae S. Frideswidae Oxonefordiae' (also describing himself as 'peccator, minister ecclesiae S. Frideswidae Oxenefordiae') to Reginald, Prior of Gresley (in Derbyshire), who by word and help had encouraged him to go on with the book. A MS. of this work is at Pemb. Coll., Cambridge. I am indebted for an account of it to Mr. Niel, the librarian of the College, as also to Mr. Madan for references to Canon and Prior Reginald, contained in extracts from the chartulary of the Gresley family, printed in the Reliquary, vi. p. 79, and in Notes on the Churches of Derbyshire, by J. C. Cox, iii. p. 367. An Expositio super Psalmos David, MS. Laud 454, is attributed by a note in an early hand to a 'Robertus Prior.'

Mention is made of Prior Robert in his later years by Giraldus Cambrensis in his work De Instructione Principis, now being edited from MS. Cotton, Julius, B xiii, by Mr. G. F. Warner, of the British Museum, who has kindly favoured me with the extract, in the following terms: 'Sed Prior sanctae Frideswidae apud Oxoniam, Magister Robertus, quem vidimus et qui vir erat antiquus et auctenticus, cuius etiam ultima tempora nostra occuparunt prima cum esset vir litteratus et in scripturis eruditus et hebraicae quoque linguae non ignarus, misit ad urbes Angliae diversas et oppida in quibus Iudaei mansionem habebant, a quibus Iosephus plurimos hebraice scriptos et precario concessos, quoniam magis eum familiarem propter linguam hebraicam, quam noverat, habebant, simul collegit. In quorum duobus testimonium hoc de Christo consequenter et integre scriptum invenit, immo vero quasi nuper abrasum; in aliis autem omnibus ab antiquo substractum et quasi nunquam appositum. Quod cum Iudaeis Oxoniae ad hoc convocatis ostensum fuisset, non mediocriter super fraudulenta malicia sua et erga Christi fidem invidia convicti fuerunt et confusi.'

In 1171 occurred the visit of Prior Robert to Canterbury, and his cure from the painful consequences of his walking tour in Sicily (4). In 1180 he died, and was succeeded by Prior Philip (No. VI).

That he attained old age is clear from the epithet 'antiquus' applied to him by Giraldus, and is implied by the nickname 'Canutus,' i. e. the white-headed, by which he is generally known, on the authority of Leland.

No. IV.

The Law Lectures of Vacarius.

1149.

(1)

From IOHANNES SARISBURIENSIS, POLICRATICUS, viii. c. 22.
Ed. Giles, vol. iv. p. 357.

IMITANTUR plurimi Oziam, sacerdotalia praesumentem, sed lepram eius paucissimi erubescunt. Plures tamen imitantur Antiochum, qui non cum devotione, ut offerat vice sacerdotis, sancta ingreditur, sed ut deleat si quid est in templo domini sanctum. Cum enim Antiochus desolationis et abominationis idolum fabricasset, libros legis Dei combussit igni et scidit eos, et apud quemcunque inveniebantur libri testamenti domini, et quicunque observabant legem Dei, secundum edictum regis Antiochi trucidabant eum. Vidi temporibus meis nonnullos sacerdotali se immiscentes officio, et humeros temerarie supponentes ut arcam praeriperent ab humeris Levitarum, loci immemores qui in praesentem diem dicitur Oziae percussio. Alios vidi qui libros legis deputant igni, nec scindere verentur si in manus eorum iura pervenirent aut canones. Tempore regis Stephani a regno iussae sunt leges Romanae, quas in Britanniam domus venerabilis patris Theobaldi, Britanniarum primatis, asciverat. Ne quis enim libros retineret edicto regio prohibitum est, et Vacario nostro indictum silentium, sed Deo faciente, eo magis virtus legis invaluit, quo eam amplius nitebatur impietas infirmare.

John of Salisbury was born about 1120, studied at Paris 1136, resided mainly at Canterbury from 1148 to 1163, as a member of the households of Archbishops Theobald and Becket, with the latter of whom he went

into exile. He became Bishop of Chartres 1176, and died 1180. Of the 'Policraticus,' which was finished in 1159, the MSS. are good and numerous. See Schaarschmidt, Iohannes Saresberiensis, 1862, and Hardy, Descr. Catal. ii. p. 421.

With the above passage cf. Policrat. vii. c. 20: 'Narrant quis tyrannus . . quis leges et canones exterminaverit a finibus suis.' The edict of Stephen, blamed by John of Salisbury, is mentioned with praise by Roger Bacon, writing about 1270: 'Omne regnum habet sua iura quibus laici reguntur . . quapropter cum iura Angliae non competant statui clericorum, nec Franciae . . similiter nec iura Italiae ullo modo. Quodsi debeant clerici uti legibus patriae, tunc est minus inconveniens ut clerici Angliae utantur legibus Angliae . . Rex quidem Stephanus, allatis legibus Italiae in Angliam, prohibuit ne ab aliquo retinerentur.' Compendium Studii, Op. ined., ed. Brewer, Rolls Series, i. pp. 418–425.

(2)

From ROBERTUS DE MONTE, CHRONICA,

Ed. Bethmann, in Pertz, Monumenta, Scriptores, vi. p. 476 (cf. D'Achery, in Guiberti de Novingento Opera, Lutet. 1651; Migne, Patr. Cursus, clx. 466; Bouquet, Rec. des Hist. t. xiii. p. 287).

MCXLIX. Obiit sanctae recordationis domnus Letardus vi Abbas Beccensis ecclesiae . . Huic sancto viro successit domnus Rogerius, Prior secundus . . . . extunc supra gregem sibi commissum pro posse suo die ac nocte decenter invigilans. Magister Vacarius, gente Longobardus, vir honestus et iurisperitus, cum leges Romanas anno ab incarnatione Domini MCXLIX in Anglia discipulos doceret, et multi tam divites quam pauperes ad eum causa discendi confluerent. suggestione pauperum de Codice et Digesta excerptos IX libros composuit, qui sufficiunt ad omnes legum lites quae in scholis frequentari solent decidendas, si quis eos perfecte noverit. Eodem anno post Pascha obierat Bernardus Abbas montis Sancti Michaelis.

The author, Robert de Torigny, entered the Abbey of Bec in 1128, and in 1154 became Abbot of Mont St. Michel, where he died in 1186. He began to write his chronicle in 1150, as a continuation to that of Sigebert of Gembloux, commencing with the year 1100, and carrying it down to 1154. He afterwards continued it to 1183, revising the whole, and in the following year presented it to King Henry II. He died in 1186.

The text of Pertz is taken from a twelfth-century MS., formerly of Mont St. Michel, but now in the public library of Avranches, which is

believed to be in great part the autograph of Robert. As to the other MSS., which are good and numerous, see Hardy, Descr. Catal. ii. p. 437.

The CHRONICA NORMANNIAE, printed in Du Chesne, Historiae Normannorum Scriptores Antiqui, Lut. Par. 1619, p. 983, from a MS. from the library of the canons regular of St. Victor, which is in part a transcript from Robert de Monte, repeats the passage, under the year 1148; but, by omitting all the words between 'successit Rogerius' and 'Magister Vacarius,' misled Selden, ad Fletam, c. 7, into identifying Vacarius with Abbot Roger. This chronicle covers the period 1139–1259.

(3)

From the PROOEM TO THE WORK OF VACARIUS, as printed by Wenck, from his own MS., in his Magister Vacarius, Lipsiae, 1820, p. 66[1].

Quo facile omnes ad boni et equi scientiam provocarem, ea que magis ad eius periciam artis, etiam usum rerum cotidianarum, necessaria mihi visa sunt, ex libris d[igestorum] iustiniani et codice decerpendo, cum magno labore prestante domino p[ro] l[iter]a in parvum collegi volumen. Quibusdam enim qui mihi suggesserant opus hoc facientium instantium [qu. faciendum instantibus], et ut brevitati studerem poscentibus, quedam in ordine quidem textus componendo prius, alia vero postea in glose spargendo locum, codicem et precio levissimo comparandum et brevi tempore perlegendum, et tenuioribus precipue destinatum, divina donante liberalitate, perfeci. Sed cum ea que in scolis frequentari solent magis elegerim, IX ex iust[inia]no distribuitur titulos librorum [qu. in IX ex codice iustinianeo distribuitur titulos librorum, sc. codex meus] tamen in parte aucto in parte diminuto numero, et ob id etiam necessitate quadam eorum ordine variato. Ut autem sacrarum legum atque librorum, ex quibus hoc descendit compendium, summo tangente digito ostenderem auc[torita]te[m] et laudes, pauca [ex titulis?] de codice iustiñ. confirmando[2] [et de?] iure veteri enucleando[3] adieci prefationi[4].

[1] The suggested emendations beginning with 'qu.' are Wenck's; for those marked with ?, and for the notes I am responsible.—T. E. H.

[2] i. e. Const. 'Summa Reipublicae.'

[3] i. e. Const. 'Deo auctore,' which in Cod. I. xvii. is entitled 'De veteri iure enucleando, et de auctoritate iuris prudentium qui in Digestis referuntur.'

[4] The following various readings are from Professor Stölzel's unpublished

This passage from the long lost work of Vacarius, of which the title seems to have been LIBRI EX UNIVERSO ENUCLEATO IURE EXCERPTI, ET PAUPERIBUS PRAESERTIM DESTINATI, or SUMMA PAUPERUM DE LEGIBUS, or, shortly, LIBER PAUPERUM, is inserted here to show the correspondence of that work with the description given of it by R. de Monte. Down to 1817 the book was supposed to have perished, but several MSS. of it have now been identified. A MS. belonging to the library of Worcester Cathedral, another now in the town library at Bruges, and that which belonged to Wenck, but is unfortunately for the present not to be traced, may be assigned to the latter part of the twelfth century. One in the Chapter Library at Prag is of the early thirteenth century. There is an imperfect codex at Königsberg of the fourteenth century, and there are several fragments in the Bodleian Library, and in the Libraries of All Souls, Merton, and Oriel Colleges, at Oxford.

The pages containing the Prooem are missing in the MSS. of Bruges, Worcester, and Königsberg.

Wenck, Magister Vacarius, pp. 55–62; Mühlenbruch, Obs. Iuris Rom. i. 36; Dirksen, Civilistische Abhandlungen, Berol., 1820, Bd. I. Exercit. v. pp. 319–477; Hänel in the Leips. Lit. Zeitung, 1828, No. 42, Intelligenzblatt, p. 334; Wenck, Opusc. Acad. ed. Stieber, Leips. 1834; Savigny, Gesch. 2d ed. iv. p. 423; Stölzel, Lehre von der operis novi denunt. Cassel and Göttingen, 1865, pp. 592–620; Id. in the Zeitschrift für Rechtsgeschichte, vi. pp. 234.

(4)

From GERVASIUS CANTUARIENSIS, ACTUS PONTIFICUM,
Ed. Stubbs, Rolls Series, ii. p. 384.

Theodbaldus ad Romanum pontificem pro pallio profectus est. Quo suscepto a Romano pontifice Innocentio secundo, Theodbaldus in Angliam rediit, et a Cantuaritis honorifice susceptus est. Erat autem in diebus istis Apostolicae sedis legatus Henricus, Wintoniensis episcopus, qui erat frater regis. Hic cum de iure legati licet privilegium suum plusquam deceret extenderet in immensum, suumque archiepiscopum et episcopos Angliae, ut sibi occurrerent, quolibet evocaret, indignatus Theodbaldus, et Thomae, clerici Londoniensis, industria fretus, egit apud Celestinum papam, qui Innocentio

collation of the Prag MS.:—l. 2, et usu. ll. 2, 3, *desunt verba* ex libris—decerpendo. l. 4, *pro* p. l. a., plura. l. 5, faciendum instantibus. l. 8, locum spargendo. l. 10, libertate. l. 12, libros titulorum. l. 14, deminuto. l. 17, tangendo. lb. auctorem. l. 18, de iustiniano codice. l. 19, huic adieci.

successit, ut amoto Henrico Theodbaldus in Anglia legatione fungeretur. Oriuntur hinc inde discordiae graves, lites et appellationes antea inauditae. Tunc leges et causidici in Angliam primo vocati sunt, quorum primus erat magister Vacarius. Hic in Oxonefordia legem docuit, et apud Romam magister Gracianus et Alexander qui et Rodlandus, in proximo papa futurus, canones compilavit.

Gervase was born about 1141, entered the monastery at Canterbury and took orders, 1163, was sacrist there 1193, is not traceable after 1210.

The Actus Pontificum was among his later works, written *circa* 1199–1210.

The only MS. of this work is at C.C.C. Cambridge, No. 438, apparently written *circa* 1260 in the Cathedral Monastery, and preserved there till acquired by Archbishop Parker, who gave it to C.C.C. Cambridge.

'For his own age of course Gervase is an independent authority . . . His humble estimate of himself kept him in the class of copyists and compilers, and it is to this fact that the work owes its great value. He is always ready to act as a panegyrist, but he confines his narrative to the strictest following of authority.' Bishop Stubbs, u. s.

The passage above cited is repeated verbatim in Stephen Birchington's Vitae Archiepiscoporum Cant., MS. 303 Lambeth. This work is a copy of the work of Gervase, with additions and continuation by Birchington, who became a monk at Canterbury in 1382.

*** Vacarius was doubtless of the School of Bologna (Savigny, iv. p. 420), though hardly of the generation which listened to the teaching of Irnerius. He seems to have been imported into England, together with a supply of books upon the Civil Law, by members of the Archiepiscopal household, possibly by Becket on his mission to Pope Celestine, as counsel, 'causidicus,' to Archbishop Theobald in his struggle, which ended successfully in 1146, to get the Legateship transferred from the Bishop of Winchester to himself. We next hear of Vacarius as lecturing in 1149 to crowds of rich and poor, at Oxford, as we are assured by Gervase, and as composing for their use the compendium, popularly known as the 'Liber Pauperum,' which evidently became a leading text-book in the University (v. infra, Nos. ix, x). Whether his lectures were resumed after the temporary check given to the study of the Civil Law by Stephen, we are not informed; but soon after Becket's flight from England, Vacarius is found holding ecclesiastical perferments in the Diocese of York, where he seems to have lived on to late in the century. A letter was addressed by Pope Alexander III to the Abbot of Fountains and Magister Vacarius, not earlier than 1164, q. v. in Ant. Coll. Decretorum, Parisiis, 1609, i. lib. i. tit. vii. c. 2. p. 106; cf. Wenck, u. s., pp. 41–49.

Another letter of 21st Oct. 1171, from the same Pope to the Archbishop of Rouen and Bishop of Amiens, directs that Roger Archbishop of York should appear before them 'cum duabus maioribus et melioribus personis ecclesiae suae, quae sint bonae famae et integrae opinionis, vel, si fieri non poterit, cum duabus aliis, de canonicis suis qui vita et conversatione et fide non habeantur inferiores, personis, Magistro scilicet Vacario et Magistro Angero, aut duobus aliis qui eis meritis aequiparentur,' (or, in default of these, with two priors or abbots). Materials for life of Becket, Rolls Series, vii. pp. 498–501.

The Archbishop appeared accordingly, at Albemarle, and took the oaths which are set out in MS. Cotton, Claud. B. ii. fol. 349 under the heading 'Haec sunt capitula purgationis quam praestitit Eboracensis quarta manu iuratorum, quorum unus erat Magister Vacarius.' Cf. Migne, Patr. Cursus, t. cxc. col. 407, to which my attention was called by Mr. Rashdall.

As late as 1198 Magister Vacarius is commissioned, together with the prior of Thurgarton, by Innocent III, to carry into execution in the Northern Province, a letter touching the Crusade. Chronica Rogeri de Hoveden, ed. Stubbs, Rolls Series, iv. p. 75.

It is hardly possible to identify with Vacarius the 'Magister Vacem,' who, as appears from a letter written by the Archbishop of York, copied by a careless scribe into the Southwell 'Liber Albus,' was Prebendary of Southwell, circa 1191–3, or the 'Hubert Vacca' who was prebendary of Kentish town in St. Paul's Cathedral about 1150, Hardy's Le Neve's Fasti, ii. p. 403.

No. V.

The cure of a Student.

Circa A.D. 1180.

From the HISTORIA MIRACULORUM SANCTAE FRIDESWIDAE VIRGINIS, CUM PROLOGO, PER PHILIPPUM EIUSDEM MONASTERII PRIOREM. Acta Sanctorum, Octobris, t. viii. p. 579.

MORABATUR eo tempore apud Oxenefordiam studiorum causa clericus quidam Stephanus nomine, de Eboracensi regione oriundus, aetate iuvenili floridus, et elegantia formae praeclarus. Is febre cotidiana correptus, ad medicorum confugit auxilium, inanibus se sumptibus eviscerans, languoris acerbitate singulis ingravescente diebus. Ad divinum igitur, tanquam ad ultimum, cum iam deficeret humanum, convolavit adiutorium, et cum iam, nimia macie confecta, vix sibi membra cohaererent, oculis

liventibus, facie pallida, Virginis gloriosae patrocinium implorabat. Mox itaque, ut aquae benedictae poculum hausit, de cetero febrilis fatigatio conquievit, et redeuntibus paulisper viribus in brevi ad plenum convaluit.

The writer succeeded Prior Robert (*supra*, No. III) in 1180, and in the first year of his office effected the translation of the remains of the Saint; whereupon most of the miracles which he relates seem to have followed at once. He was still Prior in 1189. Dugdale, Monasticon.

The MS. of the 'Historia,' Digby 177 in Bibl. Bodl., was written about 1200 A.D., and was first printed by the Bollandists in 1853. I am indebted for the reference to Mr. Rashdall and to Mr. Macray, of the Bodleian.

No. VI.

The prevalence of Legal Studies.

Circa A.D. 1180.

From the PHILOSOPHIA MAGISTRI DANIELIS DE MERLAC, AD IOHANNEM NORWICENSEM EPISCOPUM. MS. Arundel. 377, fol. 88, Brit. Mus.

CUM dudum ab Anglia me causa studii excepissem, et Parisiis aliquamdiu moram fecissem, videbam quosdam bestiales in scholis gravi authoritate sedes occupare, habentes coram se scamna duo vel tria, et desuper Codices importabiles aureis litteris Ulpiani traditiones representantes, necnon et tenentes stilos plumbeos in manibus, cum quibus asteriscos et obelos in libris suis quadam reverentia depingebant. Qui dum propter inscientiam suam locum statue tenerent, tamen nolebant sola taciturnitate videri sapientes, sed tales, cum aliquid dicere conabantur, infantissimos repperiebam. Cum hos inquam in hunc modum se habere deprehenderem, ne ego simile damnum incurrerem, artes que scripturas illuminant non in transitu salutandas, vel sub compendio pretereundas mecum sollicita deliberatione tractabam. Sed quum doctrina Arabum, que in quadrivio[1] fere tota existit, maxime his diebus apud Tolctum celebratur, illuc, ut sapientiores mundi philosophos

[1] i. e. the studies of arithmetic, geometry, astronomy, and music. The *Trivium* comprised the introductory studies of grammar, rhetoric, and logic.

audirem, festinanter properavi. Vocatus vero tandem ab amicis, et invitatus ut ab Hispania redirem, cum preciosa multitudine librorum, in Angliam veni. Cumque nuntiatum esset mihi quod in partibus illis disciplinae liberales silentium habent, et pro Titio et Seio[1] penitus Aristoteles et Plato oblivioni darentur, vehementer indolui. Et tum ne ego solus inter Romanos Graecus remanerem[2], ubi huiusmodi studium florere didiceram[3] iter arripui. Et in ipso itinere obviam habui dominum meum ac patrem spiritualem Iohannem Norwicensem episcopum[4], qui me honorifice, ut eum decebat, recipiens, valde meo gratulabatur adventui. Cum itaque, ut fit in primo amicorum conventu, a domino episcopo de mirabilibus et disciplinis tholetanis satis quesitum esset, ad ultimum de motibus supercelestium corporum scrutabundus inquirens, ad Astronomiam sermonem direxit. Inter cetera vero quedam de sublunaribus istis adieci que suis superioribus quadam necessitatis obedientia videntur servire. Sed quum me brevitas temporis ad presens questionibus eius non satisfacere sinebat, idcirco illius discretionis examini hunc presentem tractatum presentandum decrevi. Cuius prima pars continet de inferiori parte mundi, secunda de superiori. [He goes on to defend his resort to the teaching of infidels, on the analogy of 'spoiling the Egyptians.']

Of Daniel of Morley, or Merlac, little more is known than may be gathered from this extract from the Preface to his treatise on the lower and higher parts of the world, which may have been written at any time during the tenure of the See of Norwich by John of Oxford, 1175–1200. No

[1] Titius and Seius are standing *dramatis personae* in the cases discussed by the Roman jurists, occurring as commonly as John Doe and Richard Roe in the older English law of real property.

[2] Does this mean 'that I might superadd to my knowledge of the liberal arts some acquaintance with the so fashionable study of the Roman law'?

[3] It seems probable that the place intended was Oxford, where alone a flourishing school of Roman law is known to have existed in England during the latter half of the twelfth century. The interpretation of the passage as implying that Morley was about to quit England again (see Thos. Wright, Biogr. Lit. ii. p. 227, and Sir Thomas Hardy, Descr. Cat. ii. p. 550) seems hardly permissible.

[4] John 'of Oxford' was Dean of Salisbury 1165, Bishop of Norwich 1175–1200. See R. de Monte, sub anno 1175. Morley's language would hardly apply to a newly appointed Bishop.

contemporary authority is now discoverable for Leland's statement that Merlac's first studies were at Oxford, MS. Collect. iv, p. 192, Script. Ill. ed. Hall, p. 244, or for the specific identification of the locality 'ubi huiusmodi studium,' etc., with Oxford, which we find in Arthur Duck, De Usu, etc. (1648), ii. c. 8, and in Wood, Hist. et Antiquit. (1674), s. anno 1185.

The Oxford bibliographers vouch as their authority a C.C.C. MS. of Merlac (now numbered 95, and erroneously catalogued as by W. de Conchis). This fine MS. now lacks the autobiographical preface, of which, however, before its abstraction, a copy was made, and is preserved in the Bodleian Library, James 29, which corresponds word for word with the Arundel MS. The C.C.C. MS. 243, catalogued under the name of Morley, contains only a page or two of late extracts from the body of the work.

No. VII.

A public reading before the Doctors and Students of the several Faculties.

1187.

From GIRALDUS CAMBRENSIS, DE REBUS A SE GESTIS, Lib. II, c. xvi: Opera, ed. Brewer, Rolls Series, i. p. 73.

CUM itaque magni nominis in insula tunc Giraldus extiterit, et famae praeciarae, inter Pascha et Pentecosten de Hibernia in Walliam transfretavit; ubi et Topographiae suae, cuius tractatum iam inchoaverat, consummationi studiosam ex toto mentem applicavit. Processu vero temporis, opere completo et correcto, lucernam accensam non sub modio ponere, sed super candelabrum ut luceret erigere cupiens, apud Oxoniam, ubi clerus in Anglia magis vigebat et clericatu praecellebat, opus suum in tanta audientia recitare disposuit. Et quoniam tres erant in libro suo distinctiones, qualibet recitata die tribus diebus continuis recitatio duravit. Primoque die pauperes omnes oppidi totius ad hoc convocatos hospitio suscepit et exhibuit. In crastino vero Doctores diversarum Facultatum omnes, et discipulos famae maioris et notitiae. Tertio die reliquos scholares, cum militibus, oppidanis et burgensibus multis. Sumptuosa quidem res et nobilis, quia renovata sunt

quodammodo authentica et antiqua in hoc fâcto poetarum tempora; nec rem similem in Anglia factam vel praesens aetas vel ulla recolit antiquitas.

Giraldus was born about 1146, studied at Paris about 1166-9, took orders soon after his return to England, and became Archdeacon of St. David's. His election as Bishop of St. David's, in 1176, having been disallowed by Hen. II, Giraldus spent some time at Paris in the study of civil and canon law. In 1185 he accompanied Prince John to Ireland, whence returning in 1187 he read his work on its topography at Oxford. Giraldus was again elected to the Bishopric of St. David's in 1199, and spent five years in vain efforts to make good his title to the office. He died at St. David's about 1220.

The De rebus a se gestis is known only from one MS. of the fourteenth century, Cotton Tib. B. 13.

Giraldus was evidently very proud of the Oxford reading, and refers to it in several of his other works, e.g. 'Nonne vos enim pro certo volumine quod transactis annorum curriculis xxx vel pluribus, cum circiter editionem dictae Topographiae primam, et libri recitationem in publica cleri audientia per triduum solemniter Oxoniae factam, cum archiepiscopus Cantuariensis Baldwinus . . . dictum de avibus . . . tractatum coram se lectum . . . audisset,' etc. Epist. ad Capit. Hereford.: Opera, Rolls Series, i. p. 409. Cf. Catal. brevior. libror. suorum, ib. p. 221; De Invectionibus, ib. iii. p. 92.

No. VIII.

Walter Map an Oxford Master.

1187.

From GIRALDUS CAMBRENSIS, DE INVECTIONIBUS, Lib. iv. c. x, Opera, Rolls Series, iii. p. 92.

AD hoc autem quod de clericatu dixit [i. e. Giraldus], Magistri Roberti de Bello Fago, canonici Salesberiensis, viri literatissimi, dictum concordare videtur; in cuius praesentia cum de Topographia Hibernica nuper edita, et paulo ante apud Oxoniam a Giraldo solemniter recitata, sermo fieret, . . . Ad eiusdem quoque commendationem facere potuit quod Magister Gualterus, Magister Oxoniensis, Archidiaconus, vir literatus ac eruditus, circiter id ipsum tempus de illo Giraldi labore dicere consuevit.

Walter Map, or Mapes, studied at Paris, but would seem from the above extract to have graduated at Oxford; to which place I however find no allusion in the poems which are attributed to him, or in his Nugae Curiales, edited respectively in 1841 and 1850 for the Camden Society by Mr. Thomas Wright. Map added to his numerous ecclesiastical preferments that of the Archdeaconry of Oxford in 1197.

The De Invectionibus was written at Rome by Giraldus for Pope Innocent III. The text is printed from a Transcript made in 1836, for the late Record Commissioners, from the MS. No. 470 in the Queen of Sweden's collection in the Vatican.

IX.

Emo studies law, and copies the work of Vacarius.

1190.

(1)

From EMONIS CHRONICON, Pertz, Monumenta, t. xxiii. p. 467.

[EMO speaking of himself in the third person, says]: Qui cum mare versus Angliam anno aetatis suae quasi xx transisset, communis causa studii literarum quod fuit Oxonie, estuabat uberius liberalibus artibus se implicare. In quarum foribus stans a fratre suo carnali secum commorante revocatus est, et ut, zelo innocentiae protegendae, disciplinae iuris intenderet persuasus. Deinde in patriam remeans, etc.

(2)

From MENKONIS CHRONICON, Pertz, u. s. p. 524.

[Menko says that Emo, with his brother Addo, studied rhetoric, and wrote out books], quos omnes ipsi ambo Parisiis, Aurelianis, et Oxonie audierunt ex ore magistrorum, glossaverunt, et etiam glosses diversas et bursarios retulerunt. Oxonie etiam Decreta, Decretales, Librum Pauperum, necnon et alios libros canonici iuris et legalis, vigiliis dividendo, scripserunt, audierunt et glossaverunt.

(3)

From MENKONIS CHRONICON, Pertz, u. s. p. 551.

Fere usque ad annos senectutis suae matutinis cum conventu viriliter observandis, postea modicum vel nihil dormivit, quia illam partem noctis, post matutinas, pocius vigilabat, propter consuetudinem observatam Parisiis et Oxonie tempore studii, quando fratre suo domno Addone priorem partem noctis vigilante ac scribente, ipse partem posteriorem pervigilabat. Quae divisio noctis in libris eorum potest perpendi, et maxime in Decretis et in Libro Pauperum.

Emo was born in Friesland in 1170, went to Oxford in 1190, whence he returned with the title of 'Magister,' and with an amount of knowledge of the liberal arts, and especially of canon and civil law, which made him the most learned clerk in Friesland. He was ordained by Thielmar, Bishop of Minden (1185–1206), and became provost, and afterwards the first Abbot, 1225, of the Monastery of Bloomkap (Floridi Horti), at Wittewerum, on the banks of the Frivula, where he died in 1237.

Menko entered the same house in 1230, became its third Abbot in 1243, and died about 1275.

The Chronicle of Emo, 1204 to 1234, was continued by his friend Menko from 1237 to 1273. The two chronicles exist only in two MSS. of the thirteenth and sixteenth centuries respectively, marked Vqs and Vq=s, in the University library at Gröningen. Pertz, Monumenta, t. xxiii. p. 454.

It seems probable, from the third of the texts above cited, that Menko had handled in the library at Bloomkap the copy of Vacarius produced by the joint labours of Emo and Addo while students at Oxford. Can this be the MS. which in 1641 belonged to the Monastery of S. Maria de Dunis, but is now in the town library at Bruges?

No. X.

Legal discussions at Oxford.

1187-1200.

The substance of a passage in GIRALDUS CAMBRENSIS, SPECULUM ECCLESIAE, DISTINCTIO I, PROOEMIUM (Opera, ed. Brewer, Rolls Series, iv. p. 3), as preserved in A. Wood, Hist. et Antiquitates Universitatis Oxon. i. p. 56.

GYRALDUS enim, quem diximus, saltum hunc a bonis litteris

ad leges pessime factum ostendens, narratiunculam de clerico Oxoniensi, nomine Martino, haud ineptam instituit; leges Bononiae imbibisse perhibens, Oxoniamque regressum, in eas simultates cum iurisconsultis nostris incidisse ut quoties causa aliqua per procuratores administranda coram iudice esset, et Martino omnes et omnibus Martinus perpetuo contravenerit Addit insuper Gyraldus quod cum causam de quodam diceret Martinus, et in lege quadam a reliquis allegata, eiusque sententiae expressis ut videretur verbis repugnanti, haereret; conclamabant una voce omnes, tanquam triumphato illudentes: 'Per hanc legem Martine salies, sicut simiae saltanti dici solet, perque legem istam velis nobis saltum facies.' Quibus indignabundus mordaciter tamen et lepide satis respondit in hunc modum: 'Si saliendum est mihi, saliam quidem, sed non saltum quem vos fecistis omnes, a " cum animadverterem " (locum ea verba in iure allegato auspicabantur) usque ad " imperatoriam maiestatem " (quae ibidem etiam occurrunt), si rumpi debeatis et crepere medii, nec feci revera, nec faciam.' Haec in iurisperitos 'pauperistas' dictos maxime intendabantur, quorum perplures Oxonii tum erant, a 'Libro Pauperum' nomen sortiti: is vero in multo iam usu liber erat.

The Speculum ecclesiae, one of the later works of Giraldus, seems now to exist only in one MS., contemporaneous apparently with its author, Cotton, Tiber. B. 13, the earlier pages of which suffered so severely in the fire of 1731 as to be scarcely legible.

The loss of the full text of the prooem to Dist. Prima is a serious one. The author describes it as 'epistolam praemissam et tanquam in capite libri scriptam, literaturae defectum planctu lamentabili persequentem'; and enough remains of it to show that it deplored the desertion of liberal study in favour of the civil law, and the haste with which the civilians, before being thoroughly grounded in the Institutes, passed on to the Digest and Code. A similar complaint is made in the Gemma Ecclesiastica, Dist. ii. c. 37, Opera, Rolls Series, ii. p. 318.

A complete MS. of the work must have been accessible to the learned civilian Arthur Duck, who, writing before 1648, says, 'Giraldus Oxoniensis omnia haec saeculi sui vitia in studiosis increpat, *Girald. Cambren. in prefat. ad lib. i. distinct. et cap.* 1, et narrat quendam Martinum clericum vehementer ita reprehendisse Oxonienses in publico eorum Conventu, *quod leges Imperiales reliquas scientias omnes suffocaverant*,' etc.; and also to A. Wood, whose above cited work appeared in 1674.

No. XI.

A Concourse of Scholars and Jurists.

Circa 1195.

From GIRALDUS CAMBRENSIS, GEMMA ECCLESIASTICA, DIST. II, c. xxxvi, Opera, ed. Brewer, Roll's Series ii. p. 345.

[AFTER telling some stories illustrative of the ignorance of even the higher ecclesiastics, Giraldus describes as follows a scene at which he was himself present]. Item exemplum de eodem [Archiepiscopo] sedente apud Oxoniam pro tribunali, praesentibus scholaribus multis et iurisperitis, ac dicente quibusdam: 'Vultis stare isto compromisso?' qui etiam, quodam submurmurante 'isti,' reiteravit 'Vultis stari isti compromissi'; et murmure quodam subsecuto, quidam considentium, cui nomen Martinus, in haec verba prorupit: 'Quid murmuratis inter vos? antiqua grammatica est.' Omnium risu, quem antea conceperant, sed ob personae reverentiam suppresserant, tanquam verbi illius ludicri occasione, subiecto.

The only MS. of this work, apparently of the twelfth century, is at Lambeth Palace. The same story is told of the Archbishop (Hubert Walter) in the De Invectionibus, lib. i. c. v, Opera, Rolls Series, iii. p. 30, when Martinus is described as 'quidam assidens inter alios in iure peritus' (which renders probable his identification with the Martinus of No. X, supra) and Giraldus adds: 'Unde et Martinum illum ab hac hora semper Archiepiscopus exosum habuit.' In his Retractationes, Giraldus apologises for the bitterness which has prompted him to record the slips of the Archbishop, 'veluti de sermonibus tam in synodo quam aliter in publica audientia factis, verbisque latinis, tam literaturae quam etiam sanae doctrinae defectum redolentibus.' Opera, Rolls Series, i. p. 426.

No. XII.

Scriptores, ligatores, illuminatores, and parcamenerii in St. Mary's parish.

1180-1200.

A DEED IN THE UNIVERSITY ARCHIVES, Pyx. F. 46.

SCIANT presentes et futuri Quod ego Helyas Bradfodt, filius

Ade Bradfoth, concessi, dimisi, et liberavi Willelmo filio Roberti de Norhamt[onia] quandam terram meam cum superfectu quam habui in vico qui vocatur cattestrete, in parrochia sancte Marie de Oxonia, scilicet illam totam que iacet inter terram Laurencii ligatoris et terram Emme rideratricis in longitudine et latitudine, tenendam et habendam illi et heredibus suis de me et heredibus meis in feodo et hereditate, libere, quiete plene et integre, reddendo inde annuatim mihi et heredibus meis ille et heredes sui iiij ^{or} solidos pro omni servicio ad duos terminos in anno, scilicet ad Natale domini duos solidos et ad Nativitatem sancti Iohannis Baptiste duos solidos. Et ego Helyas predictus et heredes mei warantizabimus predictam terram predicto Willelmo et heredibus suis contra omnes homines mares et feminas qui poterunt mori et vivere. Et pro hac concessione, dimissione, et liberatione, et warrantizatione predictus Willelmus dedit mihi in gersuma[1] duas marcas argenti, et uxori mee xviij denarios ad calciamenta. Et quia volui ut omnia predicta, sicut predivisa sunt, firma et stabilia permaneant, hanc presentem cartam sigilli mei impressione confirmavi. Hiis testibus: Toraldo allutario, Ailwino tornatore, Waltero Tovi, Guidone textore, Alexandro fabro, Roberto de Norhamt[onia], et Ricardo filio eius, Petro illuminatore, Radulpho illuminatore, Willelmo illuminatore, Toma scriptore, Reginaldo parcam[enario], Rogero parcamen[ario].

Endorsed: Carta Elie Prodfot facta Willelmo filio Roberti de Hamton[ia] in parochia sancte Marie.

This Deed, to which my attention was called by the Rev. Hastings Rashdall, who kindly placed his copy of it at my disposal, may date from 1180 to 1190. Cf., in Mr. Macray's Notes from the Muniments of St. Mary Magdalen Coll. Oxon, 1882, p. 37, a 'list of Academic freemen in the parishes of St. Mary the Virgin and St. Peter in the East,' in which occur the names of: 1190–1200, John illuminator, Ralph, Roger and William; also of Roger, pergamenarius; 1190–1215, Peter, illuminator.

[1] Gersuma is a fine, or compensation.

No. XIII.

Prior Senatus on the Schools at Oxford.

1189–1196.

(1)

From BODLEY MS. 633, f. 209.

[S]ENATVS prior Wigorniensis ecclesie, dilecto sibi in Christo Clementi priori de Oseneia salutem. [V]etus prouerbium legis in uolumine regum[1], 'qui interrogant interrogent in Abela,' quod urbs illa erat frequens scol[is]magistra in disciplinis. Quod et uobis propono propter adiacentem urbem in qua abundant prudentes eloquii mistici, ponderantes uerba legis, proferentes omni poscenti de thesauro suo noua et uetera. Quibus quasi preteritis, consulis me super quibusdam articulis iuris, quod aliquid possim cum nichil sim, quasi reuelatum sit mihi quod alios lateat, pretereat doctiores. Soluere tamen quod postulas in insipientia dico, audeo et ego, et si non ad orationem saltem ad hominem. Quod utrum fecerim iudicialis calculus arbitrii tui explicabit. Nec recte causaberis moram rescribendi quam protraxit inopinata occupatio et neglecta transmisse scedule positio. Ne autem epistolaris breuitas euadat in immensum, capitulari serie questiones non pono, quoniam quedam ita sibi adnexe sunt quod una solutione possunt enodari. Primam questionem quasi inuolucrum quoddam offers explicandum, utrum sacerdotes omnes sicut ordine ita indifferenter uti queant clauium potestate ligare sese et soluere, transeuntes quoque et scolares maxime, qui egressi proprium ouile, in pascuis alienis commorantur.

Magister Senatus, a monk of Worcester, became Prior of the house in 1189, but resigned the office in 1196, and died in 1207, as appears from the Annales Prioratus Wigorniae, sub annis, Annales Monastici, Rolls Series, iv. pp. 386, 389. His writings are enumerated by Tanner. His letters to Bishop Roger were seen in the library at Worcester Cathedral by Leland, Collect. iv. p. 160. A Bible in his autograph is preserved at Benet Coll., Cambridge.

[1] i. e. 2 Sam. c. 20. v. 18.

The Bodleian MS. of the letters of Senatus is of the early thirteenth century.

Clement, Prior of Osney, was promoted to be Abbot there in 1205. Dugdale, Monasticon, i. p. 249.

The reference to Oxford in this extract is unmistakeable.

(2)

From BODLEY MS. 633, f. 223.

Dilecto sibi in Christo et amico venerabili Magistro Willelmo de Tunebrugge, Senatus frater humilis Wigorniensis ecclesie, salutem, et prospero gressu vadum Iacob transmeare ubi ovis peditat et elefans natat. Si primeve etatis tue indolem, si in robur virile progressum, quomodo de coturno sophistico ad metodum de legis perito fastigatam theologie structuram ascenderis equo libramine percunctemur, ad unguem meminisse poteris in te completum quod legitur, Cum consummatus fuerit homo, tunc incipit, Magnus olim et dives ipse licet Egiptiorum spoliis preventus tandem gratia dextere excelsi theologum vivens duobus minutis, id est quadrante et torta panis contentus in Levitico, paupertatis spiritum vero prudenter et diligenter legis ex evangelio. Et que fructuosior, Willelme tibi commutatio qui olim ponderans verba legis nunc ad pondus ipse positus appendis stillam situle in momento statere illudque respuens quia fluidum, huic non adherens quia momentaneum. Eternum est quod riviaris, stabile quod insequeris, amplectere tam pretiosa affectuose, quatinus in victimis salutaribus ubi pennula iecoris offertur, segregata tibi reponas in premium pectus et brachium. Deambulans itaque in orto delitiarum, ubi sacre scripture virgultum, ubi rosa que redolet crescit cum spina que pungit, circumspecte noveris carpere quod redolet et cavere quod pungit. Ne cum improvide dictorum flos legitur, incauta legentis manus spina laceretur.

Liber quidam de scolis vestris emanasse perhibetur qui per multorum manus transiens reprehensionis morsum in pluribus quesivit eundo, quem cum inspexissem nec titu-

lum operis repperi nec nomen auctoris. Exordium libri huiusmodi est, 'Invisibilia Dei a creatura mundi per ea que facta sunt intellecta conspiciuntur.' Set quisquis auctor fuerit audacter de trinitate tractat, irreverenter de Deo disputat. Illudque ineffabile deitatis archanum obiectionum arguciis sic coartat ut vix verbum unum de Deo dici queat quod non egeat expositore. Exponit autem ipse, set dubius sui interpres dum propria cudit ortodoxe fidei documenta deludit.

An pater et filius vivant, an vivi sint vel viventes, in questionem ponit. Et quid hoc nisi in dubium ponere an Deus, qui est vita omnium, habeat vitam in semetipso? . . . In eiusdem libri capitulo xxiii sic legitur, 'Cum dicitur, "Pater est potentia," Nomen non res nominis apropriatur Patri, et tamen tres persone eadem potentia. Item cum tres persone sint eadem sapientia, Filius tamen dicitur sapientia nomine non re nominis.' . . . Item in libro de conceptione Domini, 'quando beata Virgo dixit, "Ecce ancilla Domini, fiat mihi secundum voluntatem tuam" statim concepit et non ante. Quod ergo angelus dixit, "Benedictus fructus ventris tui," ad futurum referendum est, cum nondum haberet fructum in utero.' Consule Lucam et falsus apparebit doctor iste.

This passage, like the former, is cited by Wood, Annals, Gutch. i. p. 177, as containing a reference to Oxford. There is, however, no reason for supposing this to be the case, unless William of Tunbridge, of whom at present nothing is known, can be shown to have taught there. The work which Senatus supposes 'de scolis vestris emanasse' (whatever may be meant by that phrase), but with the authorship and title of which he was unacquainted, is now known to have been written at Paris. This discovery is due to Dr. R. L. Poole, whose extraordinary knowledge of the literature of the period has enabled him to identify the book with the 'Sententiae' of Peter of Poitou, Chancellor of Paris, and subsequently Professor of Theology in the University till his death in 1205. The work, from its dedication to William, Archbishop of Sens, must have been written before 1175. It was first printed by Mathoud, with the Sententiae of Pullus, in 1655, and is reprinted in Migne, Patr. Cursus, t. ccxi. coll. 791–1280.

No. XIV.

A Clerk of Oxford.

Circa 1190.

From a DUBLIN ROLL OF NAMES, Historical and Municipal documents, Ireland, Rolls Series, p. 32.

ROGERUS filius Nigelli clerici de Oxonia.

The roll in which this name occurs, found in the muniment room of the Corporation of Dublin, is assigned by the editor to the latter part of the twelfth century. My attention was called to it by Mr. Rashdall.

No. XV.

Oxford known for its Clerks.

1192.

From RICARDUS DIVISIENSIS, DE REBUS TEMPORIS RICARDI I, in Chronicles of Stephen, Henry II and Richard I, Rolls Series, iii. p. 437.

[A FRENCH Jew, giving parting advice to a young Christian apprentice about to run away to England, warns him against visiting a number of towns which he describes in no flattering terms]: Angliam ingressus, si Londoniam veneris, celeriter pertransibis, multum enim mihi displicet illa polis . . . si igitur circa Cantuariam appuleris, iter habebis perdere; si vel per eam transieris. Tota est in illa perditorum collectio ad suum nescio quem nuper deificatum, qui fuerat Cantuariorum archipresbyter, quod passim prae inopia panis et ocio per plateas moriuntur ad solem. Rofecestria et Cicestria viculi sunt, et cur civitates dici debeant, praeter sedes flaminum nihil ostendunt. Oxonia vix suos clericos, non dico satiat sed sustentat. Exonia eodem farre reficit homines et iumenta. Batonia in imis vallium, in crasso nimis aere et vapore sulphureo posita, immo deposita est ad portas inferi, etc.

Richard was a monk of St. Swithin's Priory, Winchester. His chronicle, which extends from 1189 to 1192, was probably written in

1193. It exists in two MSS., both apparently in the author's autograph. In MS. Cotton, Domit. A xiii, the passage runs as it is printed above. In the MS. at C. C. C. Cambridge 'homines' is substituted for 'clericos.'

No. XVI.

Subsidised Scholars.

From the PIPE ROLL, 7 RIC. I, CO. OXON.

1195-6.

NICHOLAO clerico de Hungria, viij^{li}. et xvij^{s} et viij^{d} ad sustentandum se in scolis a festo sancti Michaelis anni preteriti usque ad Pascham per breve Regis.

From the PIPE ROLL, 8 RIC. I, CO. OXON.

1196-7.

Nicholao clerico de Hungeria v^{s} et ix^{d} de liberatione sua quam habet ex dono Regis, videlicet a die lune proxima ante festum Sancti Andree usque ad Purificationem per breve Regis; et eidem Nicholao lvj^{s} et viij^{d} de liberatione sua a festo Sancti Petri ad Vincula usque ad festum Sancti Michaelis, scilicet dimidiam marcam per ebdomadam per idem breve.

From the PIPE ROLL, 10 RIC. I, CO. OXON.

1198-9.

Roberto de Vermeilles x marcas ad sustentationem suam in scolis, per breve H[uberti] Cantuariensis Archiepiscopi.

No. XVII.

Abbot Samson and the Magistri scholarum.

1197.

From the CHRONICA IOCELINI DE BRAKELONDA, DE REBUS GESTIS SAMSONIS ABBATIS MONASTERII SANCTI EDMUNDI, ed. Rokewood, Camden Society, 1840, p. 69.

FACTA est commissio domini Pape H[uberto] Cantuariensi

Archiepiscopo et domino Lincolniensi et S. Abbati sancti Aedmundi, de reformacione Conventrensis ecclesie, et de monachis restituendis, sine cause recognitione. Convocatis ergo partibus apud Oxneford, receperunt iudices literas precatorias a domino Rege, ut negotium illud poneretur in respectum. Archiepiscopo et episcopo dissimulantibus, et tacentibus et quasi clericorum favorem venantibus, solus Abbas aperte loquebatur, monachus pro monachis de Conventria, eorum causam publice fovens et defendens . . . vero illo tempore quatuordecem monachos de Conventria, qui ibi convenerant, recepit in hospicio suo, et sedentibus monachis ad mensem ex una parte domus, et ex alia parte magistris scolarum, qui summoniti fuerant, laudabatur Abbas magnanimus et magnificus in expensis . . . Instante festo Sancti Hilarii perrexit Abbas cum magna hilaritate Conventreiam.

Samson, monk of St. Edmundsbury, was elected Abbot of that house in 1182, and died in 1211. On the restoration of the monks of Coventry, see R. Hoveden, Rolls Series, iv. p. 35, and Annales de Burton, Ann. Monastici, Rolls Series, i. p. 194, in both of which the commission of Pope Celestine is set out at length; see also Matt. Paris, Chron. maiora, Rolls Series, ii. p. 444, and Annales de Margan, Ann. Mon., Rolls Series, i. p. 23.

Jocelin entered the Abbey in 1173. His narrative, which extends from that year to 1202, is preserved in a MS. of the end of the thirteenth or beginning of the fourteenth century, Harl. 1005.

No. XVIII.

Merlin's Prophecy.

1100-1200.

From ALEXANDER NECKAM, DE NATURIS RERUM LIBRI DUO, edit. Thomas Wright, Rolls Series, p. 311.

Cap. CLXXIII. De locis in quibus artes floruerunt liberales.

[After speaking of Greece and Rome]: Quid de Salerno et Montepessulano loquar, in quibus diligens medicorum solertia,

utilitati publicae deserviens, toti mundo remedium contra corporum incommoditates contulit? Civilis iuris peritiam vendicat sibi Italia; sed coelestis scriptura et liberales artes civitatem Parisiensem caeteris praeferendam esse convincunt. Iuxta vaticinium etiam Merlini, viguit ad Vada Boum sapientia, tempore suo ad Hiberniae partes transitura.

Alexander was born at St. Alban's in 1157, studied at Paris, where he was Professor in 1180, became Abbot of Cirencester in 1213, and died in 1217.

His ascription to Merlin of the statement about the 'Vada Boum' would at least show that it was current some time before his own day.

The De Naturis Rerum seems to have been written towards the close of the twelfth century. It is edited from four good MSS., all of the thirteenth century, one of which belongs to Magdalen College, and one to St. John's College, Oxford; the other two to the British Museum.

No. XIX.

Oxford in the time of St. Edmund Rich.

Circa 1200.

(1)

From the CHRONICON DE LANERCOST, edited by Joseph Stevenson for the Maitland Club, 1839, pp. 36, 38.

ANNO Domini MCCXXVIII Magister Stephanus de Langtona, Cantuariensis Archiepiscopus . . a presenti luce ad gloriam translatus est octavo Idus Iulii. Cui successit sanctus Edmundus, de Abyndon oriundus, ac Magister in Logica et Theologica, vir eximiae munditiae, abstinentiae et vigiliae, sicut aliqua exempla de singulis inferius ponenda comprobabunt.

Nam in exemplum munditiae illibatae istud primo occurrit, quod puerulus intendens Oxoniae Grammaticalibus, gloriosae Virginis imaginem, quam saepe, et una cum tota Universitate, vidimus, clam desponsavit, imposito digito Virginis aureo anulo, quod multi postea oculis conspexerunt. . . Accidit

huic iuvenili aetate et dialecticis intendenti, relatione, apud Oxoniam, condignum. Dum enim, ut moris est immaturae aetatis, iste interessendo missis, plus vocibus cantantium intenderet quam precibus, plus etiam conciperet musica quam mystica, ac per haec, elevatione missae facta, festinaret cum pluribus interesse lusibus, exeunti sibi ad boriale ostium Dei Genetricis ecclesiae, affuit quaedam manus a Divino Spiritu missa, quae eum in maxilla percutiens, vocem coelestis commonitionis adiunxit, dicens: 'Reverte ad cepta officia, modo primo incipit missa.' Quod adolescens sagax, verum esse advertens, amplius cepit erga sacramentum vivificum amore fervere, et sacris definivit astare ministeriis deinceps donec perficerentur. Contigit itaque quadam die ut, audita missa, scholas in supradictae ecclesiae coemiterio ad occiduas valvas positas, causa lectionis auscultandae, intraret, et scamno residens inter copiosas sociorum catervas, tanto appetitu captus est vacuandae vesicae, ut quamvis surgere reputaret verecundum, tamen diu sedere aestimaret periculum. Surrexit tamen ut exiret, et eo statim semoto de loco, lapis quidam de pariete corruens, ita locum sedilis occupavit, ut omnes intuentes advertent eum si remansisset extinguendum, et divina protectione reservatum. Quod utique gratiae sacramenti altaris reor esse imputandum.

Edmund Rich was born at Abingdon towards the end of the twelfth century, studied both at Paris and at Oxford, becoming a Master of Arts of the latter University, and after teaching as such for six years, began the study of Theology, of which also he became a famous professor. After long refusing church preferment, he accepted the Treasurership of Salisbury Cathedral in 1222 (Hardy's Le Neve's Fasti), in 1234 was consecrated Archbishop of Canterbury, died in retirement at Pontigny in 1242, and was canonized in 1244.

The Chronicle of Lanercost seems to have been written in a Franciscan monastery in the north of England, and to have been composed at various dates during the period of the history of England and Scotland to which it relates, viz. 1201–1346. It exists in a single MS. of the fourteenth century, Cotton, Claudius, vii, as a continuation of Roger Hoveden. St. Edmund did not, as might be supposed from the passage above cited, immediately succeed Stephen Langton as Archbishop in 1228, but, as is stated in a later paragraph, in 1234.

(2)

From the EPISTLE OF THE UNIVERSITY to Pope Innocent IV (1243) asking for the canonization of Edmund, apud Martene et Durand, Anecdot. Thesaur., t. iii. col. 1839.

Clementissimo patri suo et domino Innocentio, Dei gratia summo Pontifici, suae sanctitatis grex humilis, Universitas Magistrorum et Scholarium Oxoniae commorantium, cum universa multitudine fratrum Praedicatorum et Minorum, ceterorumque religiosorum ibidem habitantium, devota pedum oscula cum obedientiae humili famulatu.

Quod scimus loquimur, et quod vidimus testamur de conversatione venerabilis patris nostri Edmundi bonae memoriae, nuper Cantuariensis Archiepiscopi, qui in nostra fuit Universitate non modico tempore discipulus et magister... Factus itaque Magister Artium, nondum ad sacros ordines promotus, nec adhuc ratione alicuius adepti beneficii ecclesiastici compulsus, sed solo Dei instinctu, et studio pietatis ductus, supra morem tunc legentium, singulis diebus priusquam legeret, missam audire consuevit; quod ut devotius faceret, capellam de beata Virgine, quam speciali quodam privilegio amoris semper dilexit, in parochia in qua tunc habitabat, construxit. Porro transactis fere sex annis, quibus in Artibus rexerat; cum iam placuisset ei qui ipsum segregavit ex utero matris suae, ut in eo et per eum revelaret filium suum, fieretque vas dilectionis, ipso adhuc cursim legente arithmeticam quibusdam sociis suis, apparuit ei in somnis pia mater eius paulo ante defuncta, dicens: 'Fili quid legis? Quae sunt illae figurae quibus tam studiose intendis?' Quo respondente: 'Talia lego,' ostensis protractionibus, quae in illa solent fieri facultate, illa mox dextram manum eius arripuit, et in illa tres circulos depinxit, in quibus haec tria nomina per ordinem inscripsit: 'Pater, Filius, Spiritus Sanctus,' et hoc facto, sic ait: 'Fili carissime, talibus figuris, et non aliis, de cetero intende.' Quo somnio, quasi per revelationem edoctus, statim ad studium theologiae se transtulit, in quo tam mirabiliter in brevi profecit, quod cito post paucos annos, suadentibus multis, cathe-

dram magistralem ascendit... Sane sunt quidam inter nos, qui eius lateri dum viveret longo tempore adhaeserunt, videlicet frater Robertus Bacon rector in Theologia Oxoniae, et frater Richardus Dunstapele, prior fratrum Praedicatorum ibidem, quorum relatu, cum aliis multis quae praemisimus, hoc etiam didicimus quod dictus vir sanctus, a tempore quo rexerat in Artibus, nunquam vel raro lectum intraverat.

(3)

From the VITA SANCTI EDMUNDI, auctore Bertrando priore Pontiniacensis monasterii, Martene et Durand, Thesaurus Anecdotorum, t. iii. col. 1782–1789.

In annis adhuc adolescentiae positus, cum meditaretur assidue qualiter vitam suam secundum Deum disponeret... ad quemdam magni nominis sacerdotem accessit Oxoniae... ut igitur propensius adimpleret quod praeceptor ille praecipuus consulerat, et sic Deo, necnon intemeratae Matri suae se nexu copulans insolubili, Virgini venerandae, florem suae virginitatis obtulit... Itaque virginitatem perpetuam coram quadam Virginis inviolatae imagine, eidem se Virgini copulavit perenniter velut sponsae... In signum vero, seu potius firmamentum foederis irrefragabilis et dilectionis mutuae, accendente cor eius igne ardente in Sion, eam suo subaravit anulo, novo more... In eodem anulo litteraliter insculptum fuit illud Ave nectareum quo Virginem salutavit angelus, de ea Deum nuncians nasciturum... Et licet tam arduis virtutum vacaret exercitiis, in litterarum tamen non languebat studio, sed in ipso supra multos coetaneos suos studio ferventi desiderio profecit et viguit miro modo. Unde postquam in Artibus competenter studuerat, de doctorum licentia ad docendi apicem conscendebat. Factus itaque Magister Artium, novi aliquid ad devotionis cumulum sibi superaddendum censuit. Unde et praeter morem tunc legentium, missam et horas canonicas priusquam legeret diebus audire singulis assuevit, qui nondum ad sacros promotus ordines, nec adhuc ratione alicuius beneficii

ecclesiastici, ritum hunc servandum susceperat, sed Dei solius instinctu, et amoris eius studio quo fervebat. Haec autem religiosa consuetudo non solum sibi profuit, sed etiam scholaribus suis, quos ut secum audire missam consuesceret, sic induxit. Ut autem liberius hunc devotionis exsequeretur cultum, in parochia in qua tunc degebat fecit capellam construi, in honorem videlicet beatae Virginis, quam semper dilectione coluit speciali, ubi solemnes adhuc missae ad ipsius laudem celebrari non desinunt. Quantum vero iam tunc temporalia despiceret aperuit, qui pecuniam quam a scholaribus recipiebat, in fenestra sua reponere consuevit, et operiens eos (*sic*)pulvere, dum quasi sepeliret eos, eorum celebravit exsequias, hoc sermone: 'Terra terrae, cinis cineri, pulvis pulveri debet non immerito commendari.' Et saepius asportabatur clanculo, vel per iocum a sociis, vel a furibus malo modo . . . Cum quendam de auditoribus suis aegrum et egentem didicisset lecto decumbere, fecit eum in domum suam portari, motus uberi pietate. Et nocte qualibet per quinque circiter hebdomadas ante eum iacuit et . . . ministravit. Et quamvis hoc fraternae compassionis gravaretur onere, lectiones tamen et disputationes suas continuabat in crastino sicut ante . . . Iam iuveniles evadens annos, aetatem virilem induit, qui vir a virtute et moribus purgatissimus dudum fuit. Transactisque circiter sex annis, quibus in artibus egregie rexerat, ab hoc interim labore studii se suspendere disponebat . . . Cumque quibusdam sociis legeret adhuc arithmeticam, apparentem sibi in somnis agnovit manifestius matrem suam, quae ait illi: 'Fili, quid legis? Quae sunt illae figurae quibus tam studiose intendis? Quo respondente talia lego, ostensis quae in illa sunt facultate protractionibus, mox illa dextram manum eius arripuit, et in ea tres pinxit circulos, quos his nominibus 'Pater,' 'Filius,' 'Spiritus sanctus,' per ordinem singulis singulos insignivit. Et addidit: 'Fili carissime, talibus figuris de cetero intende, et non aliis.' Qui quasi per revelationem voce matris edoctus, quae sic ei apparuit, sese mox ad Theologiae studium transferebat . . . In disputationibus autem, cum esset homo

imbutus grammatica, armatus quoque dialectica, nec non et rethoricae armatus eloquentia, pulcherrima sermonum eius relucebat facies sine macula sive ruga.

This life of St. Edmund was written in 1247 by his friend Bertram, Prior of Pontigny, at the bidding of John, then Abbot of that house.

The following notes may save trouble to future enquirers:—

1131. A 'Cancellarius Oxonie' is attributed to this year by J. C. Cox, Notes on the Churches of Derbyshire, iii. p. 363, on the authority of a Commission addressed to John of Taunton, Chancellor of Oxford, by Pope Innocent II in the first year of his pontificate, preserved in the Chartulary of Tutbury, Add. MS. Brit. Mus. 6714, fol. 12. But the bull was issued by Innocent IV, in 1244.

1150. The attribution of an unnamed 'Chancellor of Oxford' to this year, 'or thereabouts,' by Wood, Fasti, Gutch, p. 5, on the authority of an Osney deed not now forthcoming, is doubtless traceable to some similar mistake.

1156. Under this year Wood, Annals, Gutch, i. p. 155, mentions Roger Infans, or Young, saying 'we may not only conclude him to have been an Oxford Man, but that he had been locum tenens of the Chancellor of this University.' This Roger does in his treatise de Compoto, MS. Digby 40, composed in 1177, as is stated in the text, fol. 49 *b*, allude to a time when he had toiled many years 'pro regimine scolarum,' fol. 21 *a*, but gives no clue to the locality of the schools in question.

1182. Under this year Wood, Annals, Gutch, i. p. 166, cf. p. 174, mentions that John Hauteville, 'an Oxford poet,' dedicated his Architrenium to Walter de Coutances, who, having been Archdeacon of Oxford, was in that year consecrated Bishop of Lincoln. The Architrenium was however dedicated to Walter in 1184, on his translation from Lincoln to Rouen. It has been printed in the Satirical poems of the twelfth century, Rolls Series, i. p. 240, by Mr. T. Wright, who says, p. xxvi, 'there is no evidence of the truth of the assertions of the older biographers that Joh. de Hauteville was educated in this island, or that he was a monk of St. Albans.' The Architrenium contains no reference to the schools of Oxford, though much about those of Paris.

1190. Wood, Annals, Gutch, i. p. 48, refers to an evidence of this year, 'in manibus auctoris,' concerning a tenement in St. Michael's parish, in which 'mention is made of the common seal of the University of Oxford.' Wood also states that the University seal was hanging from the document. The deed is still preserved in the Bodleian Library, Oxf. Charters, 127*, but is condemned as a 'manifest forgery' of a later century. The seal has disappeared.

1201. A Bond of this year by the 'Cancellarius Universitatis Oxonie cum toto cetu magistrorum eiusdem' to the Convent of St. Frideswide, cited by Twyne, Antiquit., p. 235, and Wood, Annals, Gutch, i. p. 48, Fasti, Gutch, p. 5 *n*, and transcribed in Reg. magn. S. Frid. fol. 23, is still preserved in the Archives of the University, Pyx Y. 1. It is however pronounced by Mr. Macray, from the handwriting and the design of the seal, to be a forgery of the early part of the fourteenth century. Annals of the Bodleian, second edit. p. 3. Cf. Lyte, History, p. 248.

PART III.

THE FRIARS PREACHERS *v.* THE UNIVERSITY.

A.D. 1311–1313.

Acta Fratrum Prædicatorum et Magistrorum Univ. Oxon. in Curia Romana in causâ Statutorum de gradibus Religiosorum Oxoniensium, &c.

[Digby Rolls, I.]

(*Bodl. Libr.*)

INTRODUCTION.

THE earliest Universities were merely customary Societies, founded by no Bull, incorporated by no Charter, and held together rather by a loose code of professional customs or etiquette than by any formal body of written Laws. It is certain that a Guild of Masters had existed at Paris for some forty years before the earliest written Statutes were framed, *circa* 1208[1]. At Oxford the earliest Statute which we possess was passed in 1252 or 1253[2], and we have no reason to believe that any earlier Statute had ever existed. Even after the custom arose of making written enactments, the Universities of Northern Europe never thought of reducing their Constitution and organic Laws to the form of a Code like the rules of a Modern Club. The Italian students, accustomed to the Roman Law and the written Statutes of the autonomous City-republics, did, after the middle of the thirteenth century, produce Codes of a very elaborate and exhaustive character. At Paris all through the Medieval period—and especially in the earlier days of the University—legislation was introduced merely to supplement, interpret, or re-enforce an existing body

[1] Bulæus, *Historia Universitatis Parisiensis*. Parisiis. 1665–1673, iii. p. 60: Denifle, *Chartularium Universitatis Parisiensis*. Parisiis. Tom. i. 1889, Pt. II. No. 8.

[2] *Munimenta Academica*, ed. Anstey, 1868, p. 25. See below p. 225. The Statutes conjecturally ascribed by the Editor to 1250 (ib. p. 13 *sq.*) are probably later. But in any case, it will be observed that this earliest part of the Statute-book consists chiefly of (1) Proclamations by the Chancellor on his own authority; (2) Memoranda of University *customs*.

of customary Law. Still more decidedly was this the case at Oxford. The constitution of the English University is no more formulated in her earlier Statute-books than the constitution of the English State is prescribed in the *Statutes at large*: like the written Laws of the realm, the Statutes presuppose an unwritten Common Law: the Graduate is as much bound to observe the 'customs' as the Statutes of the University[1]. Under these circumstances, it is obvious that we cannot expect to find a complete account of the University system and of its practical working in the Chancellors' and Proctors' books. In part this defect has to be supplied by inference from the better-known institutions of Paris: in part from the information incidentally supplied by other documents. Among these latter sources of information none is more important than the great parchment Roll which is here printed for the first time. The quarrel between the University and the Friar Preachers, which culminated in the year 1311 A.D. in an appeal to the Court of Rome, is in itself an interesting episode in our history: but the chief importance of the document before us—a copy of the proceedings as set forth in the Register of the Cardinal who heard the case—lies in the fact that it supplies us with a mass of information otherwise unobtainable, or obtainable only by a process of inference which does not satisfy persons unfamiliar with general University History, as to the early constitutional history of the University of Oxford.

This is not the place to tell over again the spirit-stirring story of the rise of the Mendicant Orders, of their rapid spread through Europe, of their establishment in England and in Oxford. By a kind of intuitive instinct, the Friars from the first perceived the importance of establishing a hold upon the Universities. In Italy the Dominicans had their head-quarters at Bologna, in France at Paris. In England their first Convent was established at Oxford. The University towns were recommended as centres for their work by many

[1] See below, p. 226.

considerations. The Dominican Order was founded primarily to combat heresy; and then, as now, heresy is chiefly found in places where men think. Then, of course, there was the ordinary Mission-work which attracted them to the great centres of population. And in the Universities—at that time chiefly situated in towns of the first magnitude—the students claimed attention as a large and an impressionable element in the population. But it was not only as a great multitude of young men and boys, living practically without domestic control of any kind, amid the vices of great cities, that the student-class interested the Friars. It was to the Universities that they looked for recruits for their own Orders. The Dominican General Jordan of Saxony[1], as he wanders from one studium to another, gives the number of 'captures' which he has made at each. He is pleased when he can add that some of them were men of good family; but still more evident is his triumph when he can record a goodly take of 'Masters of competent literature' or of 'respectable Bachelors.' These were the men the Orders wanted to do the work for which they existed. At first, it is probable, they hardly thought of getting the education of the Universities into their own hands. Their educational activity was limited to the members of their own Orders: and the places where a *Studium Generale* of secular Clerks existed were naturally selected as the *Studia Generalia* of the Mendicant Orders—i.e. the Convents of the University towns were made into Colleges, where the more promising of the younger Friars were sent to complete their education[2]. It was by the Friars alone that a systematic attempt was made to train men for pastoral work. Their chief attention was of course bestowed upon Theology: but those who entered the Order without having taken a degree in Arts were first put through a course of Philosophy[3], while

[1] See the *Lettres du P. Jourdain de Saxe*, ed. Bayonne, Paris, 1865, *passim*.

[2] See the account of the Dominican system of Education in Douais, *Essai sur l'organisation chez les frères Prêcheurs*. Paris and Toulouse, 1881.

[3] See below, p. 225. At an earlier date secular education had been forbidden. Cf. Denifle, *Chartularium*, Pt. II. Nos. 57, 335, 342.

all went through a long course of Theology, except the few who had already taken University degrees in the Faculty of Theology before their 'conversion.' In Italy, and Southern Europe generally, the Friars practically monopolised Theological education: the Italian Universities remained without Theological Faculties till the fourteenth century, and even then the Regulars supplied them with teachers: the few secular Clergy who learned any Theology at all learned it from the Friars. At Paris, however, the Friars found a strong secular School of Theology in possession of the field. But the scholastic fame of their Doctors soon began to attract secular scholars to their lectures: and the dispersion of the University of Paris in $122\frac{8}{9}$[1], in consequence of an outrage on a Scholar, gave them an opportunity by which they were not slow to profit. They got their Masters licensed by the Chancellor without ever having been formally admitted to the University, while at the same time they claimed to enjoy all the rights and privileges of membership. The Masters of the University[2] expelled the Friar Doctors from their *consortium*, and resolved that in future no one should be admitted to it who had not taken an oath of obedience to the Statutes. A long contest followed in which the united forces of the Crown, the Papacy, and the Bishop and Chapter of Paris were united to crush the secular Masters and compel them to admit into their ranks the unwelcome intruders who refused to take the oath of obedience of the University, or to obey its decrees and its officers when they came into collision with those of their own Superiors. Into the details of the conflict we cannot here enter. But some account of the provisions of the Bull *Quasi lignum vite*[3], in which the Papal injunctions were embodied

[1] Ch. Jourdain, *Index Chartarum pertinentium ad historiam Universitatis Parisiensis*. Parisiis. 1862, No. 30: Bulæus, iii. p. 132 *sq.*: Chart. I. Pt. II. No. 62. For the following facts I may refer generally to Bulæus and the documents printed by him and by Denifle. I may also mention Bernard, *Les Dominicains dans l'Université de Paris*. Paris, 1883, p. 223 ff.

[2] Bulæus, iii. p. 252: Chart. I. Pt. II. No. 219.

[3] Ibid. p. 282: Chart. I. Pt. II. No. 247.

(1255 A. D.), is essential to the comprehension of the demands of the Oxford Friars. By this Bull the Chancellor was directed to confer the magisterial license upon as many Friars as he thought fit, after examination by himself alone, without consulting (as in ordinary cases) the rest of the Theological Faculty. The degrees of the Friar Doctors were thus entirely removed from the control of the University. At the same time, these Doctors were authorised, without taking an oath of obedience to the University like other Doctors, to attend the Congregations of the University. One of the great subjects of quarrel arose from the refusal of the Friars to obey a 'suspension of studies' when ordered by the University. The power of 'suspending' lectures and sermons, and, if necessary, dispersing the University, was the keenest weapon which the Masters could wield in their conflicts with the King and the Burghers, the Bishop and the Chapter: it was the corner-stone of the University's corporate power, for the prestige and commercial advantage which Paris drew from its University had made its continuance in the French capital a matter of national importance. Now the Papal Bull provided that a two-thirds majority in each Faculty should be required to make a decree of Cessation binding. This placed the whole matter under the control of the Friars, for the Friar Doctors were pretty sure to number more than a third of the whole Theological Faculty. In the Roll before us, the Oxford Friars allege that by this Bull no Statute of any description could be made without the two-thirds majority in each Faculty. The Bull certainly contains no such provision, but it is possible that the Parisian Friars so understood it. After a long struggle—involving an almost total dispersion of the University of several years' duration—the Seculars were obliged to submit. But it appears that the victory of the Friars was incomplete. In practice it would seem that from this time the Friars' lectures were attended only by their own Order. They had made good their own position in the University, but they had failed to gain the control over its

Theological teaching at which they once aimed. In 1318 they lost even their immunity from University discipline, and were compelled to take the oath of obedience to the Statutes as a condition of admission to Congregation [1].

At Oxford the coming of the Friars produced far less commotion than had attended their advent at Paris. So far from trying to wrest the instruction of Secular students from the Secular Doctors, they were content in their early days at Oxford to invite Secular Doctors to lecture to their own novices in their own Convent [2]. About the year 1253 Oxford was perhaps [3] just touched by the storm which at Paris culminated in the total dispersion of the University of Paris [4]. But at Oxford the victory was unquestionably on the side of the Seculars. The University passed a Statute to the effect that no one should proceed to degrees in Theology without having first taken the degree of M. A., 'or at least' of B. A., without a special grace or dispensation unanimously granted by the Regent Masters of all Faculties. As the Friars were prevented by their own rules from graduating in Arts, this regulation placed the Friar candidates for the Theological Doctorate at the mercy of the Secular Masters of Arts; but for the rest of the century the harmony between the Secular and the Regular elements in the Oxford Theological Faculty was rarely or never interrupted. The University, content with the assertion of its absolute control over its own degrees, was willing in practice to allow the *Lectores* selected by the authorities of the Mendicant Convents to lecture as Bachelors without any formal admission to that degree by the University, and to admit to the degree of Doctor the Bachelors presented to the Chancellor by their respective Orders [5].

The beginning of the fourteenth century witnessed a violent

[1] Bulæus, iv. p. 181.

[2] *Monumenta Franciscana* (ed. Brewer, 1858), pp. 37, 549. For a briefer period there had been the same harmony at Paris.

[3] Though the University allege (below p. 222) that the Statute was made 'maxime ad procurationem fratrum Predicatorum.' But this is hardly consistent with the contemporary evidence of *Mon. Franc.* p. 346 *sq.*

[4] *Mun. Acad.* p. 25.

[5] See below pp. 231, 256.

outbreak of hostility against the Mendicant Orders. The academical dispute was a mere incident in that great European quarrel between the Secular Clergy on the one hand and the Friars and their Papal privileges on the other which widened into the avowed anti-Papalism of Constance and of Pisa, of Bâle and the Four Gallican Articles. The immunities of the Mendicants were carrying confusion into every diocese and every parish in Europe: their privilege of preaching, of hearing confessions, of absolution, of administering the Sacraments, and of giving burial, was emptying the Churches, the Confessionals, and the pockets of the Parochial Clergy. The average Secular Priest was coming to look upon the Mendicants in much the same light as the average Anglican Clergyman looks upon the Dissenting Minister; he would have treated them with similar contempt, but for the awkward fact that the Pope was on the side of the dissenters, who far surpassed the ordinary Clergy in Theological learning, in preaching power, in pastoral activity, and in popular influence. Under these circumstances it was natural that the Secular Masters of Oxford should attempt to sharpen against the Mendicants weapons which had almost grown rusty from disuse, and to forge fresh instruments of annoyance for the enemies of their Order. The Friars, on the other hand, began to kick even against the restrictions to which in Oxford they had hitherto submitted. What were the matters in dispute, will be best understood from an analysis of the document before us.

The complaints of the Friars are as follows:—

(1) The Chancellor and Masters have made a Statute that no one shall become a Master in Theology without having become a Master, or at least a Bachelor, of Arts, unless he has obtained a unanimous dispensatory grace from the Chancellor and Regent Masters of all Faculties. This puts it in the power of a single Regent to stop the grace, and the power of late has been abused. The Statute is highly injurious to the Friars, because many enter the Order young, after which

they may not graduate in Arts, though 'they are sufficiently instructed in Philosophy in the Order.'

(2) A more recent Statute has transferred the Vespers (i. e. disputations on the eve of a new Master's Inception) and the trial sermons (*sermones examinatorii*) of B. D.'s from the Dominican Convent, in which they have been hitherto held, to S. Mary's Church, contrary to the 'approved customs' which the Masters have sworn to observe.

(3) A Statute has been made that no one shall lecture on the Bible 'biblically,' i. e. textually or exegetically (*legat bibliam biblice*), until he has lectured on the 'Sentences' of Peter the Lombard. Since the latter lecture is harder than the former, such an arrangement is irrational; many Friars who are quite capable of lecturing on the Bible are less qualified for the lecture on the Sentences. The Friars pray that the course of lecturing on the Sentences shall be put after the lecture on the Bible as at Paris.

To explain this charge, it should be remembered that the Friars were the only Medieval clergymen who seriously cared about the study of the Bible for its own sake: the Mendicant Doctors alone cared to comment on the four-fold sense of Scripture as a preparation for the work of the preacher and the pastor. To the Secular Masters, fresh from disputations on the nature of Universals and lectures on the *De Anima* of the Arts Schools, Theology was chiefly interesting as a field for the exercise of metaphysical acuteness and dialectical ingenuity. The Sentences of Peter the Lombard, the Medieval text-book of dogmatic Theology, attracted him more than the Gospels and the Pauline Epistles; not till his mind was steeped in the subtleties of the Scholastic Theology was the student qualified (in his estimation) to extract the dogmatic and metaphysical mysteries which lay hid beneath the apparently simple narrative of the Galilean Evangelists and the impassioned argument of the Missionary Apostle.

(4) A Statute has been made enacting that a Statute carried by the Regents in two Faculties, together with a

majority of the non-Regents (i. e. Masters no longer actually teaching in the public Schools), shall bind the whole University; and the two last-mentioned Statutes were carried by the Masters of Arts and a single Regent Master in Medicine together with the majority of non-Regents in spite of the opposition of the Theologians and the Doctors of Civil and Canon Law. These latter have submitted to the Statute, because they often want dispensation from the Statutable requirements as to taking degrees, for which the concurrence of the Masters of Arts is necessary. None are admitted to degrees without swearing to obey the Statutes and customs of the University.

(5) Since the appeal of the Friars was lodged, the University has required all its existing and future Graduates to swear never to oppose the University, or aid and abet those who oppose it 'in its privileges or rights or whatever else appertains to the honour of the aforesaid University.' Hence the Friars are unable to obtain legal assistance, and are avoided by Scholars.

(6) The University does not allow sufficient time for deliberation in making Statutes. When a Congregation is held at tierce for the purpose, the proposed Statutes are handed to the Masters already drawn up, and they are required to vote upon them immediately.

This must refer to the Masters of the Superior Faculties. Statutes had at this time to be passed by the Black Congregation (i. e. the Regents in Arts), held at S. Mildred's by the Proctors, before they could be submitted to the Great Congregation under the Chancellor in the Choir of S. Mary's[1].

Such was the burden of the original Appeal of the Friars to the Holy See. Then follow a series of fresh 'gravamina' against the action of the University since the Appeal, viz.:—

(1) The Dominican D.D., Hugh of Sutton (or Dutton), is no longer called to Congregation, or if he succeeds in gaining admittance his vote is not counted, and the Bedel

[1] *Mun. Acad.* pp. 146, 189, 481.

no longer 'serves him,' (i.e. comes round to his Schools to read and receive notices,) like other Masters.

This is a round-about way of saying that the Friar had been expelled, or *privatus consortio Magistrorum.*

(2) The Statutes require a candidate for D.D. to 'respond' and 'oppose' in the School of every Master of Theology; but the Masters refuse to dispute with Friars, who are consequently prevented from taking their degrees.

(3) The Masters by intimidation prevent Scholars attending the Friars' (Theological) Schools to the great injury of the study of Theology, and both scholars and laity are deterred from confessing to Friars or being buried in their churches.

(4) They excite the Clergy and people of the whole Province against the Order, so that 'their necessary living, their good fame, and the affection of their friends is taken away from them,' so much so that some of their students have been driven by hunger and insult to run away.

(5) And in other ways the University has 'cruelly afflicted' the Friars 'by exquisite and secret machinations.'

(6) The University has got the Friars excommunicated by the Archbishop of Canterbury.

(7) The Friars have made conciliatory offers, and employed the mediation of the King, Queen, and many nobles of the realm; but in vain.

The 'gravamina' conclude with a petition that the Pope will confer upon them the privileges conceded by Alexander IV to their brethren at Paris under the Bull *Quasi lignum vite*, and that the operation of the Statutes may be suspended, and the above-mentioned Friars admitted to their degrees, *pendente lite.*

Then follows an enumeration of the Parisian Statutes and customs for which the Friars petition:

(i) No Statute is valid unless passed by a two-thirds majority of each Faculty.

(ii) Friars chosen by the Order to lecture on the Bible or

Sentences become *ipso facto* B. D., without presentation to any other authority whatever [1].

(iii) Bachelors presented by the Order to the Chancellor and licensed by him are admitted to the full Mastership, (i. e. are allowed to *incept*) within three months [2]. Moreover, every Bachelor before Inception has to swear to observe the 'Pax Religiosorum.'

Next follows the Answer to the gravamina filed by the University:

(1) The University begins by insisting on the antiquity of the first Statute attacked by the Friars, and on the necessity of Philosophy for students of Theology.

(2) Vespers were not (as the Friars alleged) hitherto confined to the Friars' Convent, but might be held in the School of any individual Doctor. They were transferred to S. Mary's (where the degrees are given) because the 'particular' Schools were too small.

(3) The Statute against lecturing on the Bible before admission to B. D. by lecturing on the Sentences, was passed because of the 'errors' which had been broached and the confusion created by the teaching of unqualified Lecturers.

(4) The Appeal said to have been made against the last two Statutes has not been proceeded with till too late.

(5) The Masters pray that the case may be settled by the appointment of delegates in England, on account of the poverty of the University.

[1] Other Bachelors would be admitted by the Faculty of Theology at Paris. At Oxford the Chancellor, being the head of the University as well as the Bishop's representative, admitted to Bachelor's as well as to Master's degrees.

[2] For the complete Mastership two steps were necessary: (1) The *Licentia docendi*, given by the Chancellor as the representative of the Bishop, or afterwards in most Universities of the Pope. In ordinary cases, the license was given after examination by the Masters of the Faculty, but their consent was dispensed with in favour of Friars by the *Quasi lignum vite*. (2) The Inception, at which the Master received the magisterial insignia and entered upon his office by the inaugural lecture or disputation. By this act, the Faculty or Magisterial Guild received the licentiate into its brotherhood. For further explanation, I may be allowed to refer to an Article on 'The Origines of the University of Paris' in *The English Historical Review*, vol. i (1886), p. 639 ff.

The Record then proceeds to narrate the hearing of the case before the Cardinal Richard of S. Eustachio on Jan. 27, in the year 131$\frac{2}{3}$[1], when Thomas Everard, B. D., the Prior of the Friars Preachers at Oxford, and Master John, their Proctor, appeared for the Convent, and Master John de Stratford (afterwards Archbishop of Canterbury) for the University. The Friars produced a schedule similar to the one already filed, but with more 'additions and declarations.' Thereupon Stratford demanded a copy, and produced his own powers to act for the University.

The two sets of gravamina above cited are thus set forth in somewhat greater detail. We get a more exact statement of the date of the alleged grievances, from which it appears that:—

(1) The Statute requiring graduation in Arts before D. D. was passed 'sixty years ago, as is said'—i. e. *circa* 1252 A. D.:

(2) The transference of the sermons to S. Mary's, and the Statute about majority-voting, nine years ago—i. e. 1303 A. D.:

(3) The transference of the Vespers a year ago, i. e. 1310. (The Friars also insist on the superior quiet of the Dominican Convent, by the river bank, far away from the rattle of the High Street.)

(4) The requirement of B. D. before D. D. (even, it is added, in the case of those who have 'read' both Bible and Sentences elsewhere) was made in 'the year just elapsed or longer ago,' i. e. 1310.

It is further alleged that the Appeal was lodged in due time, and Pope Clement V 'decided to hear and determine the case in private Consistory by special grace.' Moreover, the name of Richard of Hutteley, or Huntley, who has been refused B. D., is added to that of Sutton; but it is admitted that both of them refused to swear to the Statutes complained of as 'prejudicial to their Order.' Against the

[1] The beginning of the MS. is lost, but the date is fixed by a comparison of documents.

request for a trial in England the Friars allege the difficulty of obtaining impartial judges.

Then follow the credentials of Master John de Stratford, Master Adam Pluymoncht, Doctors of Civil Law, Master Walter Horkestode, Master Ralph de la Lee, and Nicolas of Ludlow, as Proctors and Syndics for the University, dated June 7, 1312, and the Answer of the University to the replication of the Friars. The University takes exception to the pretension of the Friars to state 'the mind' of the obnoxious Statutes; they should produce the exact words. Graces for degrees are freely granted to deserving Friars. The first Statute complained of has been observed by the Friars for sixty years, and was consented to by their Doctor at the time. S. Mary's is the most convenient place for Vespers or Sermons; Paris customs will not suit Oxford. Moreover, it is not true that the Sentences must be 'read' before the Bible, i. e. (it is implied) it is possible to take B. D. in the University without lecturing on the Sentences—how, is not explained. The Friars have been expelled because they refused to obey even undisputed Statutes. Even if they have appealed, the appeal has been abandoned by lapse of time. Their appeal is 'extra-judicial,' because they petition for the privileges of Paris, not for a mere reversal of the decisions appealed from, and it is contrary to the Civil Law to grant favours 'extra iudicem' to the injury of others. Such are the most important of the fresh points which emerge from a mass of repetitions and technicalities which need not further detain us.

Subjoined are the following documents:—

(i) The Proxy of John de Stratford and the other University Proctors.

(ii) The Notarial Certificate of the Notice of Appeal.

(iii) The Notice of Appeal itself, exhibited to the Notary Public by Laurence of Warwick, Proctor of the Friars Preachers of Oxford, on Feb. 25, 131½, in the name of the Prior and Convent, setting forth the above gravamina, and specifying the particular Academical Acts to which

the Dominican Doctor was not duly cited by the Bedel, like other Doctors of Theology, and was refused admittance when he 'humbly demanded' it, and the particular occasions on which Dominican Bachelors were refused leave to dispute in the various Schools.

(iv) Notarial Certificate of the above Notice of Appeal having been published in the Church of the Friars Minors at Oxford during sermon-time, and a copy served on the Proctors of the University.

(v) Notarial Certificate of service of the Notice upon Henry of Manefeld, D.D., Chancellor of the University, in his School.

The Dominican Proctor proceeded to the Chancellor's School, but was prevented from entering by the Doctor's servant, Hugh of Cundicote, and others, 'as is probably believed thereto deputed.' Waiting till the lecture was finished, Walter Laurence 'offered' the copy to the 'said Lord Chancellor,' and even went so far as to thrust it into the folds of his gown ('penes eundem in gremio eius dimisit'), but the Chancellor, after retaining it for a while, threw it down with certain 'agressive words' ('cum verbis impactiuis'). Such was the scene which took place outside one of the Oxford Schools on Feb. 26, 131½.

(vi) Notarial Certificate of the attempted service of the Notice of a Second Appeal from the recent acts of Congregation upon the Chancellor and Masters in Congregation.

On the 30th of Nov. in the same year, the first Congregation-day since the acts complained of, the Dominican Proctor proceeded with Notary and witnesses to S. Mary's for the purpose of serving the notice; but before he had begun to read it, certain of the Masters compelled him and his companions to leave the church. Accordingly, he left in confusion (*conturbatus*)—in fact, he was hustled out, 'protesting' the while 'that he intended effectively to prosecute the aforesaid Provocations and Appeal, and offering a copy of the same.' But though the church door was shut against him, the zealous

Friar was not going to retire without duly performing his errand. Accordingly he went round to the south-side of the church, in the presence of the 'copious multitude of persons,' who had by this time collected to witness the fracas, mounted a tomb-stone, and thence, being perhaps further hoisted upon the shoulders of the companions who (it is said) 'assisted him' in the arduous enterprise, he shouted his Notice of Appeal through the open window into the ears of the Congregation assembled in the Choir within, concluding with the following little speech by way of peroration: 'Reverend Masters, I would have notified this process to you within, if I had been permitted to do so; but inasmuch as I have been expelled with violence, I have read it here before Notary and witnesses, and I call upon all who stand around to witness the premises, and further I leave you, affixed to the door of this church, a copy of the aforesaid process.' Dismounted from his temporary pulpit, the gallant Friar went back to the door which had been shut in his face, and nailed his document thereto, not however without coming in for a volley of 'maledictions' and invectives (*improperia*) and some 'injuries' from the crowd of Manciples and servants, who were hanging about. ''Twere a sin,' they were told, 'to give alms to you Friars!' ''Twere a pious deed to shut up your doors and burn you, saucy fellows (*superbissimos*) that you are! you who dare—wretches and beggars that you are—to promote an Appeal against so great a Congregation of such reverend and excellent persons.'

(vii) Proxy of Robert Everard, B.D., empowering him to act for the Prior and Convent in the matter of the Appeal, dated Feb. 10, 131½.

(viii) Proxy of brother John de Wi, empowering him to act for the Convent at Rome, given by Robert Everard under the powers of the above-mentioned Proxy, dated Dec. 7, 1312.

Then follow the pleadings of the University in answer to the Replication of the Friars. They contain little fresh matter, except the suggestion that there are certain Cardinals

and other prelates in England, totally unconnected with the University, to whom the decision of the affair might be committed.

On Feb. 6, 1313, another hearing took place before the same Cardinal, when an order was made for the production of further documents before the Notary by the morrow.

In accordance with this order, on Feb. 8th, the following documents were exhibited before the Notary :—

(i) Two Proxies to Lawrence of Warwick for the Convent, the first dated Nov. 17, 1311 ; the second without date.

(ii) Notarial Certificates of the Appeal made by the Prior of the Convent in the Dominican Chapter House at Oxford, Nov. 17, 1311.

(iii) Public Notification of the above Appeal, Nov. 18, 1311.

And on Feb. 10th there was exhibited before the same Notary the Reply of the Friars to the last Answer of the University. As to not producing the words of the Statutes, they allege that they are not allowed to see the Statute-book. If the Master of the Order assented to the Statutes at the time, he had no authority to bind the Convent. It is true that at one time graces for Friars were freely passed, but now for the last nine or ten years difficulties have been made, and the Friars have observed the Statute reluctantly. It is preposterous that the superior Faculties of Theology and Canon Law should have their affairs regulated by their 'handmaid,' the Faculty of Arts. The rest of the document consists in reaffirmation of their previous contention and flat negations of the matters of fact alleged by the other side.

The Roll concludes with two Notarial Certificates—one by the Notary of the Cardinal ; the other by the Notary who penned our document, testifying that its contents are a true copy of the proceedings as recorded in the Cardinal's Register.

A few words must suffice to point out the light which the document throws upon the development of the University :

to deal with this branch of the subject fully would be to write the constitutional history of the University.

(1) The Roll enables us to point out the period at which the system of voting by Faculties was introduced into the University. The organisation of the University in Faculties was the same as that of Paris, with two differences: (i) At Oxford the Faculty of Arts voted as one body: whereas at Paris it was divided into four Nations, a majority of which determined the vote of the whole Faculty. (2) At Oxford the non-Regents counted as a separate Faculty[1]. The order of proceedings in a General Congregation is elaborately described in *Mun. Acad.* p. 481; but that document is of somewhat later date. Had the promulgation of Statutes herein enjoined been in force, the Friars could not have complained of the rapidity with which Statutes were made. We hear little of Faculty-divisions in the later history of the University, and it is hardly too much to say that but for the Digby Roll and the Patent Roll (14 Ed. i. m. 7), we should hardly have been sure that the system was ever really in operation at Oxford. The separate promulgation of proposed Statutes prescribed in *Mun. Acad.* p. 481, was no doubt introduced in accordance with the Royal injunction issued in consequence of this quarrel with the Friars. It will be observed that the Roll confirms what we learn from *Mun. Acad.* as to the place of meeting for the Great Congregations—the Choir of S. Mary's. The Congregation-house was not yet built: when it was built, it was used only for the smaller Congregations of Regents.

(2) We are enabled by incidental notices in this document to see that at the beginning of the fourteenth century the organisation and institutions of the University were far less unlike those of the Mother University of Paris than its later or present constitution would suggest. The license to teach was at Oxford, as at Paris, granted by the Chancellor as the representative of the Bishop: but upon the recommendation or

[1] At Paris non-Regents had apparently no *right* to vote, but when summoned by the Rector, voted with their respective Faculties or Nations.

'deposition' of the Faculty in which the degree was given. Thus it is made quite clear that at this time only the Masters of the Theological Faculty had anything to do with the conferment of Theological degrees. The Inception by which the Licentiate became a full Master and member of the University, was originally the affair only of the Faculty. On the Inception of John de Kerhamfrede[1] only the Chancellor and Proctors are present in addition to the Doctors of the Faculty. A University is usually defined as a 'body empowered to grant degrees:' paradoxical as it may appear, this is just what the University in its origin did not do. At the same time, we can infer clearly enough the process by which the 'grace' of Congregation became necessary for degrees even in the superior Faculties. The Statutes of the University were binding on all its members: and at Oxford (unlike Paris) there is little distinct trace of separate Statutes being made by the superior Faculties. The University Statute fixed the conditions on which degrees should be granted: and these conditions were so elaborate and burdensome that it probably happened but seldom that any one was qualified to demand his degree as of right without seeking a 'grace' or 'dispensation' from some of the Statutable conditions—a dispensation which (by Statute or constitutional principle) could only be granted by a unanimous vote. We are told[2] that the reason why the Theologians reluctantly submitted to the Statutes against which they had voted, was that they had need of many graces which every Regent Master could deny. Gradually we may assume that 'graces' came to be asked for as a matter of course, even when no 'dispensation' was asked for. I may add that the presence of the Proctors at Licenses and Inceptions is accounted for by the fact that the University imposed an oath to the observance of the Statutes before the respective degrees could be taken: and the Proctors were the officers by whom these oaths were administered. The Proctors, originally the officials of the Regent Masters of

[1] Below, pp. 240, 241. [2] Below, p. 212.

Arts, passed into the position of a *University* executive, because (apart from the Chancellor, who was in a sense outside the University,) the University, as such, had no other officials. In the same way at Paris, the Rector of the Artists became, by a succession of progressive usurpations, the Rector of the whole University: though, by means of their Deans, the Faculties secured an independent organisation more complete than they possessed at Oxford. The constitution of Oxford represents the organisation of Paris arrested at an early stage of its development, and modified by the fact that the Chancellors here from the first assumed (chiefly because unconnected with a Chapter) the position of Head of the Magisterial Guild as well as that of the Bishop's representative.

Strange as it may appear to any one unacquainted with other chapters of University history, it is not only on the history of Oxford that this document throws light. It is of considerable importance for the history of the Mother University of Paris. I have already pointed out that it is only from the pleadings of the Friar that we know that the provisions of the *Quasi lignum* were interpreted as extending to all cases of University legislation. Whether the interpretation of the Friars was the one really acted upon at Paris or not, this appeal to the *Quasi lignum* illustrates the influence which that Bull must have exerted in extending the principle of 'voting by Faculties.' All that we know of the history of Paris in this century confirms the Friars' statement that at this time the consent of the four Faculties was required for making a Statute, though we do not elsewhere hear of the necessity of a two-thirds majority in each except in the particular case contemplated by the *Quasi lignum*. Hence it would appear that the principle that a majority of the Faculties should bind the rest was established at Oxford earlier than at Paris. Indeed the custom of Oxford in this particular may well have had its influence upon the constitutional development of the Mother University. If so, this will be but one instance among many which might be produced of the way in which, in those days of cosmopolitan

Studia Generalia, the constitutional development of different Universities acted and reacted on one another.

The additional documents enable us to trace the further progress of the suit. The first of them is a letter of Archbishop Reynolds on behalf of the Friars, the MS. of which is much worn and faded. He requests the University as a matter of special favour to admit the Dominican Walter de Valepont to the reading of the Bible as a Bachelor, although he had not lectured on the Sentences. In the same year (1313), the University succeeded in getting the controversy submitted to arbitration in England. The arbitrators were John de Monmouth, Bishop of Llandaff, Gilbert de Middleton, Canon of Lincoln, and the Friars, Peter de Kennington, D.D., and Thomas Everard. The second document is a bond given by the Preachers to accept the award of these arbitrators, which on April 7, 1314, Edward II confirmed by Letters Patent (document No. 3). The substance of this very tedious instrument may be very briefly given. It confirms all the University Statutes complained of, but makes three concessions to the demands of the Friars:

(1) Every Bachelor of Divinity, after completing his course on the Sentences, is to preach one sermon in the Dominican Church before proceeding to the degree of Doctor.

(2) When a grace is asked to enable a Friar to graduate in Divinity without having graduated in Arts, every Master shall be required to swear that he will not refuse the grace 'out of malice or hatred or rancour,' but only 'for the common utility and honour of the University.' If after this precaution any Regent Master refuses the grace, he shall be required forthwith to state his reason before the Chancellor, Proctors, and Regent Masters of Theology, and within ten days an investigation shall take place into the sufficiency of the reasons alleged. If in the opinion of a majority of the Theological Regents the objection is not sustained, the grace shall *ipso facto* be deemed to be granted.

(3) Statutes shall not be made without the proposed form

of Statute being first promulgated in the General Congregation of Regents, and a copy transmitted to a representative of each Faculty fifteen days before it comes on for discussion in the General Congregation. Moreover, a Statute shall not be carried unless it is voted by a majority of the Regent Masters of three Faculties at least (of which the Faculty of Arts must be one), together with a majority of the non-Regents.

In spite of this award the litigious Preachers seem to have found means to keep up the litigation for six years longer. It is not till 1320 that we find them unreservedly submitting themselves to the University and agreeing to abide by the decision of the arbitrators (No. 4)[1].

My best thanks are due to his Grace the Archbishop of Canterbury, for his kind permission to print the document from his predecessors' Register; to the Rev. T. Vere Bayne, Student of Christ Church and Keeper of the Archives, for similar permission with reference to documents under his charge; to Mr. F. Madan, Fellow of B.N.C. and Sub-Librarian of the Bodleian, for much kind assistance; and to my colleague, Mr. S. G. Hamilton, who has been good enough to read through the proofs for me.

[1] The delay is explained by a number of Bulls in their favour, overruling the Arbitrators' award in many points, obtained by the Friars from John XXII. Through the kindness of Mr. Bliss, transcripts of these are now in my hands; but they have arrived too late for insertion in the present volume. The bull of Clement V, referring the matter to the Bishops of London, Worcester and Llandaff, is printed in the *Regesta Clementis Papae*, An. VIII (Romae, 1888), No. 9253 (p. 163). It is dated May 1, 1313.

I.

Acta Fratrum Predicatorum & Magistrorum Vniuersitatis Oxoniensis in Curia Romana in causâ Statutorum de gradibus Religiosorum Oxoñ &c.

Anno Domini 1311[1].

[The Appeal of the Friars.]

An old Statute forbids any-one to take D.D. without first taking M.A. or obtaining a grace from the Chancellor and Regents unanimously.

. . . . . .
. . . . . .
per Cancellarium et Magistros . . . . . .
. . . . . [statutum] est ab olim per Cancellarium et Magistros Vniuersi[tatis Oxonie quod nullus possit in sacra pagina magistrari nisi prius esset Magister in artibus aut super hec a] Cancellario .. et Magistris singulis in omni facultate actu regentibus g[ratiam petitam specialiter obtineret, quam gratiam potest quilibet Magister actu regens pro libito impedire] nisi fi[at] de gratia supradicta, ex quo frequenter contingit uel contingere potest quod digni retardantur et promouentur indigni dum gratia negatur digno don . . .

This is unjust to the Friars who enter the order young and may not graduate in Arts.

Hoc statutum est ualde nociuum fratribus[2] pro semper a Cathedra magistrali cum fratres multum in etate iuuenili intrent ordinem prelibatum priusquam regendi in artibus yd[oneam po]ssint habere etatem, nec eis in dicto ordine in artibus liceat magistrari licet sufficienter in philosophyia in ordine sint instructi[3].

A recent Statute has transferred the Vespers and Sermons of B.D.'s

Item statutum est de nouo quod disputationes que dicuntur Vesperie[4] et sunt ceteris disputationibus sollempniores et statutum fuit alias quod sermones examinatorij Bachellariorum antequam magistrarentur in theologia que in domo fratrum fieri consueuerant a tempore cuius memoria non existit ad locum[5] alium transferantur[6].

Hec duo statuta uidentur etiam iniusta quia mutant consuetudines approbatas q[uas] Magistri tenentur obseruare per iuramentum pres-

[1] *Modern Endorsement.* As to the date, see above p. 206.
[2] The words 'quia excludit fratres' have dropped out.
[3] This occurs again on p. 21 of this transcript.
[4] A disputation held on the day before receiving the magisterial licence.
[5] I.e. S. Mary's. See below, p. 223. [6] This occurs again on p. 225

from the Friars' convent to another place.

titum antequam incipiant et cedunt in malum rei publice, quia locus fratrum [1] est multo ap[ti]or ad disputandum et predicandum [et] quietior quam sit locus per magistros alibi assignatus [2].

Also that none shall lecture on the Bible till he has lectured on the Sentences.

Item statutum est quod nullus legat bibliam biblice nisi prius legerit sententias aut fuerit bachalarius; et hoc statutum etiam est inrationabile quia peruertit ordinem doctrine prius enim oportet scire intellectum lictere quod fit per lecturam bibl[ie quam tractare di]fficiles questiones quod fit per lecturam sententiarum, multi etiam sunt apti ad legendum bibliam qui non sunt apti ad legendum sententias vnde Parisius le[gunt duos cursus biblie] antequam legant sententias [3].

Also that the vote of two Faculties with the Non-Regents shall bind the rest.

Item statutum est quod quicquid Magistri actu regentes in duabus facultatibus [cum m]aiori [parte] no[n] regentium iudicauerint statuendum totum pro statuto [perpetuo] habeatur, ex quo contigit quod ad edicionem duorum statutorum predictorum uid[elicet de di]sputat[ionibus et] lectura biblie consentiebant tantum magistri artium cum [vno] medico et maiori parte non regentium contradicentibus magistris actu [regentibus in the]ol[ogia ac] magistris regentibus in iure Canonico et ciuili: obtemperant tamen statutis sic editis theologi et alij quia multis gratijs frequenter indigent quas potest [q]uilibet [actu regens] pro libito impedire: statuta etiam postquam edita sunt iurant singuli obseruare [4].

None admitted to Mastership without swearing to obey the Statutes; and (since the Appeal) swearing not to oppose University.

Item non admittuntur aliqui ad magisterium in quacumque facultate nisi prius iurent obseruare statuta et consuetudines Vniuersitatis; unde discretiores statuta obseruant inuite et horum uota secuntur fratres [5].

Item non solum qui debent magistrari hoc iurabunt set statutum est postquam per fratres super predictis extitit ad Curiam appellatum quod quicunque de cetero debet habere statum bachellariatus uel magisterij in quacunque facultate iurabit quod nunquam aliquem vniuersitatis Oxoniensis aduersantem siue in priuilegijs siue in iuribus uel quibuscunque alijs ad honorem vniuersitatis predicte pertinentibus opere consilio uel fauore iuuabit set ea ipse seruabit pariter et fouebit; et hoc iurauerunt iam omnes magistri regentes et bachellarij cuiuslibet facultatis [6].

Hence the Friars are deprived of legal assistance.

Istud statutum licet uideatur rationabile tamen multum est dampnosum fratribus hijs diebus quia subtrahitur eis consilium iurisperitorum, et cauent sibi scolares et alij ne subueniant fratribus aut etiam

[1] The Convent of the Preachers was situated near the modern Blackfriars' Road, on the island formed by the Trill-Mill Stream and the Isis.

[2] This occurs again on pp. 225, 226.

[3] This occurs again on p. 226.

[4] This occurs again on pp. 226 and 234.

[5] This occurs again on p. 226.

[6] This occurs again on p. 227.

loquantur eis ne sic eisdem fauere uideantur contra prestitum Iuramentum[1].

Modus eorum statuendi est defectiuus quia non habent tempus sufficiens ad deliberandum de statuendis magistri namque conuocantur ad statuendum circa horam tertiam, et tunc primo traduntur in scriptis cuilibet facultati statuenda et ibidem antequam recedant publicantur[2] inter eos statuta perpetuis temporibus permansura[3]. In making Statutes no time allowed for deliberation.

[Gravamina against Acts of the University since the Appeal.]

Grauamina illata fratribus ordinis predicatorum Oxoñ per Cancellarium et Magistros vniuersitatis predicte postquam ad Curiam extitit appellatum[4].

Videlicet quod fratrem Hugonem de Suctona[5] Magistrum in theologia [actu] legentem in domo fratrum non uocant ad congregationes suas sicut alios Magistros; et si aliquando eis intersit ordinauerunt occulte quod dictum suum in gratijs concedendis [uel] negandis seu alijs nullius penitus sit ualoris quem etiam expellunt a congregationibus suis quando uolunt et licentiant scolares ad bachallariatum et bachallarios [ad] magisterium, nec communis Minister uniuersitatis sibi seruit ut alijs: que omnia sunt contra eorum statuta et consuetudines approbatus quas tenentur per iuramentum prestitum obseruare[6]. Brother Hugh Sutton, a dominican D.D., is not called to Congregation or served by the Bedel.

Item fratrem Rogerium de Katona Bachelarium qui per Cancellarium et Magistros predictos habebat diem assignatam ad magistrandum in theologia a magisterio repulerunt, et fratrem Riccardum de Honteleye expositum per ordinem ad legendum sententias ad lecturam huiusmodi non admittunt licet omnia sufficienter perfecerint que ad bachelariatum et magisterium requiruntur[7]. Brother Roger Katon, B.D., has been refused his D.D.

Item cum secundum statuta vniuersitatis predicte fratres gradum bachelarij seu magisterij habere non possunt nisi prius singulis magistris in theologia responderint et opposuerint in scolis eorum, dicti Magistri non admittunt fratres ad opponendum et respondendum in scolis suis; per quod a bachelariatu et magisterio repelluntur[8]. Friars prevented from graduating by refusal of D.D.'s to allow

[1] This occurs again on p. 227.

[2] MS. (in this place) publicant.

[3] This occurs again on p. 227.

[4] This occurs again on p. 227.

[5] Otherwise known as Hugo de Ductona (Dutton or Dytton). He became Vicar-General in England in 1339. Echard, *Scriptores Ord. Præd.* i. p. 595. Some writings are attributed to him by Bale, *Cent.* v. p. 419. Pitseus, *De rebus Anglicis* (Par. 1619), p. 446.

[6] This occurs again on p. 227.

[7] This occurs again on p. 227. Roger de Katona is there called de Raketona, and elsewhere Baketona (p. 265), which is probably the true form.

[8] This occurs again on p. 227.

them to dispute in their schools.

Item comminationibus et persuasionibus occultis aduertunt clerum et populum ne in domo fratrum audiant uerbum dei aut acceda[n]t ad scolas fratrum pro quibuscunque actibus scolasticis exercendis. Vnde

Scholars and people intimidated from attending Sermons or Schools of Friars.

quia scolares ad scolas fratrum accedere non permittunt nec fratres audiuntur in scolis aliorum in graue detrimentum studij theologie, studium istud totaliter perijt quoad fratres, quod per eos solet plurimum promoueri. Retrahunt etiam clerum et populum ne fratribus confiteantur aut sepeliantur in domibus eorundem [1].

The University stirs up the whole province against Friars.

Item concitant per totam prouinciam clerum et populum contra fratres: vnde necessarius uictus fama et affeccio subtrahitur ab eis et ideo studentes diuersarum prouinciarum afflicti fame lacessiti contumelijs priuatique doctrina solita Conuentum totaliter reliquerunt et pauci fratres in Conuentu depressi multis alijs miserijs sunt relicti [2].

And persecutes them in other ways.

Ad hec et ad alia intollerabilia fratribus inflingenda posuerunt ordinatores coniuratos qui per exquisitas machinationes et occultas fratres crudeliter afflixerunt et affligere continue per modos uarios non desistunt [3].

And has got them excommunicated by Archbishop of Canterbury.

Item ad procurationem Cancellarii et Magistrorum dominus Archiepiscopus Cantuariensis ex[communicationem promulgauit] in omnes qui Magistris Vniuersitatis predicte resistunt quo minus statuta ab eis edita suam habeant firmitatem: per quod [4] fratres predicti [excommunicati a populo] reputan[tur] [5].

Friars have vainly tried conciliation.

Item frequenter et humiliter egerunt fratres erga Cancellarium et Magistros pred[ictos quod fierent] inter eo[s trac]tatus pacis et ordinaretur de uia rationali inter partes, et pro hoc scripserunt vniuersitati multotiens domini Reges Anglie domine Regine et m[ulti proceres Regni: set non] uolunt illata mala mitigare set in rigore concepto continue perseuerant. Nec scripsit unquam dominus rex vniuersitati quod faceret uoluntatem fratrum set [quod promitt]eret fratres in antiquis consuetudinibus approbatis et quod noua statuta preiudicialia delerentur [6].

[The Friars petition that they may be allowed the privileges conferred on the Friars at Paris by the bull *Quasi lignum vitæ* of Alexander IV.]

Friars petition for privileges enjoyed at Paris.

Vnde supplicant humiliter dicti fratres quatenus ad i[n]star Alexandri pape iiij^{ti} qui ad sedandum turbationem inter Magistros uniuersitatis Parisiensis ex parte vna et fratres dicti ordinis et alios religiosos

[1] This occurs again on p. 227.
[2] This occurs again on p. 227.
[3] MS. -unt. This occurs again on p. 227.
[4] The 'Ordinatores' were delegates for making Statutes.
[4] MS. quod.
[5] This occurs again on p. 227.
[6] This occurs again on p. 227.

Parisienses ex altera tunc exortam quoddam priuilegium quod incipit *Quasi lignum uite*[1] duxit eisdem fratribus concedendum, dignemini eisdem fratribus quod omnibus beneficijs et quibuscumque indulgencijs in priuilegio predicto contentis et alijs priuilegijs predictis fratribus Parisiensibus a sede apostolica concessis nec non et omnibus consuetudinibus in dicta Vniuersitate Parisiensi approbatis possint in dicto studio Oxoniensi gaudere de gratia concedere speciali, similia eisdem fratribus in dicto studio Oxoñ priuilegia concedentes: ita quod predictorum statutorum [aut] alio quocumque pretextu fratres predicti ad exercendum quoscumque actus Scolasticos per Priorem et Conuentum predictos deputati non cogantur ad alia nisi ad illa dumtaxat que circa dictos fratres in Vniuersitate Parisiensi studij obseruantur, Non obstantibus quibuscumque statutis seu ordinationibus contrarijs per Cancellarium et Magistros Vniuersitatis predicte vel alios quoscumque editis uel edendis certis eis super hijs conseruatoribus deputatis cum omnibus Non obstantibus et clausulis oportunis; quodque in Curia si causa protrahatur predicti Rogerus et Riccardus et alij fratres presentandi per ordinem ad magisterium et bachellariatum absque preiudicio cause principalis admictantur sicut antiquitus consueuerunt a Cancellario uel eius uices gerenti ad huiusmodi actus ad tardius infra Mensem postquam presentati fuerunt auctoritate summi Pontificis de gratia speciali, ne interim minuatur studium theologie quod est ad utilitatem fidei ampliandum et ne necessarius victus fama et affeccio amicorum fratrum subtrahatur prouideatur misericorditer de remedio oportuno ut in Ecclesia fructificare ualeant ut solebant, certis eis etiam super hijs conseruatoribus deputatis cum omnibus non obstantibus et clausulis oportunis[2].

[Schedule of Paris Customs.]

Subscripta obseruantur in vniuersitate Parisiensi et multa alia utilia uidelicet quod vniuersitas nichil potest statuere nisi ad statuendum consentiant due partes magistrorum in theologia et due partes singularium facultatum reliquarum[3].

i.e. (1) A two-thirds majority in each Faculty to be required to make a Statute. (2) Friars to be admitted to

Item quod fratres expositi per ordinem ad legendum bibliam uel sententias absque hoc quod quicumque[4] presententur gradum Bachellariatus in omnibus obtinent absque contradiccione[3].

Item bachellarij presentati per ordinem Cancellarii ad recipiendum

[1] The bull is printed in Bulæus, *Hist. Univ. Parisiensis*, iii. p. 282; Denifle, *Chart. Univ. Par.* i. Pt. II. No. 247.

[2] Repeated on pp. 227, 228. [3] Repeated on p. 229. [4] MS. cuicumque.

lecture on Bible. (3) And B.D.'s to proceed freely to D.D.

magisterium in theologia et ab eodem admissi infra tres Menses ad magisterium et ad omnes actus Magisterij sicut et quicumque Magistri alij admictuntur. Item quilibet Bachellarius antequam incipiat magistrari iurabit quod obseruabit pacem Religiosorum [1].

[Reply of the University.]

Antiquity of the Statute requiring graduation in Arts.

Tenor autem cedule per dictum magistrum I. producte talis est [1].

Significat Sanctitati Vestre uniuersitas Magistrorum et scolarium Oxoñ. lincolniensis diocesis quod vniuersitas ipsa que a tempore cuius principij memoria non existit instituta extitit et fundata necnon tam a Romanis Pontificibus quam principibus et regibus secularibus approbata, diuersa pro utilitate inibi studentium scolarium uocatis uocandis iuris ordine qui in ea parte requirebatur in omnibus obseruato diuersis temporibus condidit statuta; et inter cetera specialiter ad sacre pagine et diuini cultus augmentum ut viros perfectiores et undique uallatos tamquam fructiferos in domo domini palmites produceret et ne per preces et precepta potentium sicut olim fieri solebat minus sufficientes et indigni doctoratus gradum . . . . adscenderent, actendens etiam quod absque perfecta phylosophye scientia ad tanti doctoratus statum nullus sufficiens reputatur ordinatione pro . . . . annis et amplius iam elapsis unanimiter et concorditer statuit et prouidit ut nullus in uniuersitate predicta inciperet in theologia nisi in aliqua [vniue]rsitate prius rexerit in artibus, de ipsis enim est presumptio infallibilis philosophie sufficientis, verum considerans ipsa vniuersitas quod multotiens . . . sufficientes et digni reperiuntur qui in artibus non rexerunt, addidit in fine statuti Salua Cancellario et Magistris potestate gratiam huiusmodi defectum patientibus faciendi cum uiderint expedire, Quod quidem statutum maxime ad procuratiorem fratrum Predicatorum dicti loci editum erat et a dicto tempore citra in dicta vniuersitate et per eosdem fratres pacifice obseruatum. Dicta quoque vniuersitas anno et amplius iam elapso actendens quod cum aliquis debet in sacra theologia doctorari in dicta vniuersitate Magister ipsius tenetur facere ex laudibili consuetudine dicte vniuersitatis publicam et sollempnem disputationem que uesperie nuncupantur ibidem Scoleque particulares doctorum sacre theologie pro huiusmodi vesperijs tenendis pre multitudine Magistrorum et

Particular schools too small for Vespers.

[1] Repeated on p. 229.

Scolarium capaces minime existebant, statuit et etiam ordinauit ut doctores eorum qui debent in sacra paina doctorari teneantur in Ecclesia beate Marie uirginis Oxonie sue facultatis[1] huiusmodi uesperias celebrare; in quo loco recipiunt omnes doctoratus honorem alijque publici actus ipsius vniuersitatis in eodem loco expediuntur. Et pro eo quod minus sufficientes et indigni bibliam legere publice presumebant erroresque in vniuersitate seminabant quorum lectura magis tendebat ad confusionem quam ad declarationem sacrarum scripturarum, statuit et etiam ordinauit quod non liceat alicui nisi bachalario in theologia bibliam biblice modo legere supradicto. Cum autem ocasione huiusmodi duorum statutorum ultimo editorum pro parte Prioris et Conuentus ordinis fratrum Predicatorum Oxoñ fuerit tam a primo tanto tempore ut premittitur etiam per eosdem obseruato quam ultimis predictis statutis ad sedem apostolicam ut asseritur appellatum et huiusmodi appellationem non sunt infra tempus legitimum prosecuti, Supplicat dicta vniuersitas quatenus dignemini sibi super hiis Iustitiam facere aliquibus discretis in Anglia ex quo causa huiusmodi pro[p]hana est in Curia Romana minime protractanda uestris literis iniungere ut si eis constiterit predicta statuta rationabilia fore appellatione non obstante predicta confirment. Et quia dicti fratres alia ipsius vniuersitatis statuta asserunt iniqua eisdem iniungere, dignemini ut visis et intellectis ceteris vniuersitatis statutis et priuilegijs prout iustum fuerit uocatis qui fuerint euocandi decernant inuiolabiliter obseruanda si ea inuenerint ratione subnexa per se uel per alium inuiolabiliter obseruari, Contradictiones[2] et etiam sup[ra]dicti ordinis exemptione non facta ne apud sanctitatem [uestram] uideatur esse sicut nec est acceptio personarum et scriptum sit in Iure etiam pupillum extraordinem non iuuandum si nouum beneficium cum alterius in[iuria] postuletur. Ex hoc enim generaretur scandalum et locus inuidie pararetur. Iustum nempe est secundum legem ubi par similisque militia est omnes eisdem reg[ulis] ligari. Nec mouere debet sanctitatem uestram quod eam Parisius asserant se habere quia vnus et idem uiuendi modus non equaliter conuenit omni loco. Et ideo scribit Ysidorus et est uerbum canonizatum quod lex debet esse patrie locoque conveniens, Et certe inhonesta uidetur esse petitio [ut] quia benignitas sedis Apostolice gratiam fecit in vno loco, ergo et ubique eam faciat: ut per hoc de exceptione regula fiat et ad quandam quasi obligationem et debitum gratia perducatur: immo certe esset magis ratio denegandi ut ex uarietate quadam studia uenustentur et sicut Paulo dictum fuit sufficit eis vna gratia.

B.D. required because errors arose from incompetence of Bible Lecturers.

Petition for trial in England.

[1] MS. facultates.

[2] Some words have here dropped out.

[Appearance before the Cardinal.]

Die Sabbati xxvij Mensis Ianuarii predictis comparentibus coram eodem domino Cardinali[1] in loco prefato ut moris est sedente memoratis fratribus Thoma Priore et Iohanne procuratore Conuentus dictorum fratrum Oxoñ ex parte vna et Magistro Iohanne de Straford[2] protestante[3] ut supra proximo *ut supra nomine quo supra ex altera, ijdem fratres exhibuerunt quamdam cedulam tenoris cedule supra per eos exhibite cum quibusdam additionibus et declarationibus cuius tenor infra describitur. Prefatus uero Magister Iohannes petens copiam dictorum productorum per dictos fratres ad faciendum fidem sue procurationis exhibuit quasdam literas sigillatas quodam sigillo cere uiridis forme oblonge pendenti in cartula, in quo quidem sigillo in medio quasi ipsius erat ymago cuiusdam hominis sedentis in sede siue cathedra subtus quoddam tabernaculum et in manu sinistra uidebatur gestare librum a dextris uero et sinistris et subtus pedes ipsius ymagines erant ymagines * plurium personarum que ad ipsam uidebantur actendere, in circumferentia uero dicti sigilli erant litere sic dicentes 'sigillum Cancellarij et vniuersitatis Oxoñ.' Cuius quidem litere tenor infra apparet. Exhibuit etiam dictus Magister Iohannes quandam cedulam contra producta pridie per dictos fratres infra scripti tenoris protestans quod si aliqua dicenda uel danda per eum contra nunc producta per dictos fratres contraria essent productis per eum contra supra exhibita per eosdem fratres illa pro non dictis et pro non datis in ea parte ubi contraria essent uult haberi quam protestationem dicti fratres pro parte eorum fecerunt. Idem vero dictis Cardinalis decernens copiam utrique parti productorum hinc inde protestationem predictam eisdem partibus saluam esse uoluit et ipsis fratribus dixit quod producerent appellationem et procuratorium eorum.

[*sic] Jan. 27, 1313[4].

[*sic]

[More detailed Statement of Friars' Case.]

Tenor autem cedule per dictos fratres producte de uerbo ad uerbum talis est.

[1] This Cardinal, as appears from below (p. 229), was Richardus Petronus of Siena, an eminent Canonist, made Vice-Chancellor of the Holy See and then Cardinal by Boniface VIII, who employed him in the preparation of the *Liber Sextus Decretalium* (Ciaconius, *Vitae Pontificum*, Romae, 1601, p. 650).

[2] Archdeacon of Lincoln, 1320; Bishop of Winchester, 1323; Lord High Chancellor, 1330; Archbishop of Canterbury, 1333.

[3] MS. protestans.

[4] See Introduction, p. 206.

Pro fratribus [ordinis] predicatorum de Anglia.

Statuta edita per Cancellarium et Magistros Vniuersitatis Oxonie in preiudicium fratrum Predicatorum ibidem commorantium quorum statutorum patentes effectus sunt qui sequuntur[1]:

c. 1252 A.D. The Statute requiring graduation in Arts.

Statutum est a lx annis ut dicitur quod nullus possit in sacra pagina magistrari nisi prius esset magister in artibus aut[2] super hec a Cancellario et Magistris predictis gratiam obtineret et hanc gratiam quilibet magister actu regens negat quando placet ac per hoc impeditur[3] bachellariis ne magistrentur, quia utuntur statuto et intelligunt quod ad negationem vnius debeat gratia impediri et non requiratur assensus plurium magistrorum[4].

Inconvenience of the Statute.

Hoc statutum est multum nociuum fratribus quia fratres multum in etate iuuenili intrant ordinem predictum priusquam habere possint ydoneam facultatem regendi in artibus nec in dicto ordine liceat eis magistrari in artibus licet sufficienter sint instructi infra ordinem in philosophia.

Statuta etiam sic debent institui quod pro loco et tempore conueniant personis omnibus que eis subiciuntur ne oporteat eas gratiam petere. Predictus autem modus dictis fratribus et ordini eorum non competit nec uidetur allegand[a super] hoc consuetudo antiqua quia illud quod de sui natura est inrationabile non debet roborari antiqua consuetudine set celeriter imfirmari. Si autem . . . . aliqui predicti ordinis magistri in theologia huic statuto consenserint ut dicitur, hoc tamen non fecerunt de assensu Prioris et Conuentus predicti et aliorum presidentium in ordine. Obseruaverunt autem hoc statutum fratres predicti illo tempore quo magistri predicti predictam gratiam non negabant ne ipsis preberent occasiones tur[bationis]. Nunc autem quia gratiam illam frequenter negant coguntur fratres remedium impetrare.

Consent of Dominican Doctor, if given, was *ultra vires*.

c. 1303 A.D. Statute about Sermons.

Item per statutum editum a nouem annis elapsis sermones examinatorij bachelariorum omnium secularium et religiosorum antequam magistrarentur in theologia qui in domo fratrum Predicatorum uel minorum fieri consueuerant[5], [ad alium locum transferuntur].

c. 1311 A.D. Vespers.

Et per statutum editum jam anno elapso et amplius disputationes immediate precedentes inceptionem bachellariatus fratrum Predicatorum que sunt ceteris disputationibus solle[m]pniores et uocantur in universitate uesperie ac fieri consueuerant in fratrum eorundem [domo] ad locum alium tra[n]sferuntur.

Hec duo statuta uidentur esse iniusta, quia absque euidenti utilitate

[1] MS. sequitur. [2] MS. ut. [3] impẽditur.
[4] See the Statute in *Mun. Acad.* p. 25. [5] *Mun. Acad.* p. 392.

The innovations are contrary to Masters' oaths.

uel ingenti necessitate mutant consuetudines approbatas a tempore cuius memoria non existit quas magistri tenentur obseruare per iuramentum prestitum antequam incipiant et cedunt in detrimentum vniuersitatis quia locus fratrum est multo aptior ad disputandum et predicandum et quietior quam sit locus per magistros vniuersitatis predicte alibi assignatus.

Statute about Biblical Lectures

Item statutum fuit anno proximo iam elapso et amplius quod nullus legat bibliam biblice nisi prius fuerit bachellarius Theologie in vniuersitate: vnde licet frequenter legerit extra vniuersitatem sententias et bibliam, tamen in vniuersitate Oxonie non admittitur ad legendum bibliam nisi fuerit bachellarius ut predicitur in statuto.

is irrational

Et hoc statutum etiam ut uidetur inrationabile quia mutat ordinem doctrine, prius enim oportet scire intellectum litere quod sit per lecturam biblie quam tractare difficiles questiones quod sit per lecturam sententiarum: multi etiam sunt apti ad legendum bibliam qui non sunt apti ad legendum sententias in vniuersitate: et sic per dictum statutum minuitur numerus ydoneorum ad legendum bibliam. Vnde Parisius legunt bis per diuersa tempora aliquid de biblia antequam legant sententias. Ab istis duobus immediate precedentibus uidelicet de vesperijs et lectura biblie per fratres predicatores extitit appellatum, quam appellationem esse factam prior dicti Conventus Oxonie proposuit coram domino papa et dominis Cardinalibus in Concistorio tempore debito, Et dominus papa Clementius[1] dixit et uoluit dictam causam audire tractare et determinare in Consistorio priuato de gratia speciali.

and contrary to Paris customs.

Pope Clement willing to hear the case in private consistory.

c. 1303 A.D.

Item statuit vniuersitas predicta a nouem annis ut supra quod quicquid Magistri actu regentes in duabus facultatibus cum[2] maiori parte non regentium iudicauerint statuendum pro statuto perpetuo habeatur[3]. Ex quo contigit quod ad editionem duorum statutorum predictorum uidelicet de disputationibus et lectura biblie consentiebant tantum magistri artium cum vno medico et maiori parte non regentium contradicentibus magistris actu regentibus in theologia ac Magistris regentibus in Iure Canonico et Ciuili. Obtemperant tamen statutis sic editis Theologi et alij quia multis gratijs frequenter indigent quas quilibet actu regens negat prout placet statuta etiam postquam edita sunt iurant singuli obseruare [*ut supra* p. 218].

The Statutes passed by the Faculty of Arts with one M.D. and the non-Regents.

Item non admittuntur aliqui ad Magisterium uel bachellariatum in quacumque facultate nisi prius iurent obseruare statuta et consuetudines Vniuersitatis predicte. Vnde discretiores uniuersitatis sta-

[1] MS. Clement' *manu recentiori.* [2] MS. tam.

[3] This Statute being subsequently repealed has disappeared from extant Statute-books.

tuta multa obseruant inuite et horum uota secuntur fratres [*ut supra* p. 218].

Item non solum qui debent magistrari . . . . [&c] bachellarii cuiuslibet facultatis [*ut supra* p. 218].

Istud statutum licet uideatur rationabile . . . . [&c] contra prestitum iuramentum [*ut supra* p. 218].

Modus eorum statuendi est defectiuus . . . . [&c] statuta perpetuis temporibus permansura [*ut supra* p. 219].

Grauamina illata fratribus ordinis predicatorum . . . . [&c] per Iuramentum prestitum obseruare [*ut supra* p. 219].

Item fratrem Rogerium de Raketona bachellarium qui per Cancellarium et Magistros . . . . et fratrem Riccardum de Hutheley . . . . . que ad bachellariatum et Magisterium requiruntur [*ut supra* p. 219] excepto quod noluerunt obseruare statuta dicto ordini preiudicialia a quibus per dictos fratres extitit appellatum nec iurare ea imposterum obseruare [1].

Item cum secundum statuta dicte vniuersitatis . . . . [&c] quod a bachelariatu et magisterio repelluntur [*ut supra* p. 219].

Item comminationibus et persuasionibus occultis aduertunt . . . . [&c] aut sepeliantur in domibus eorum [*ut supra* p. 220].

Item concitant per totam prouinciam clerum et populum contra dictos fratres . . . [&c] fratres relicti sunt in conue[n]tu depressi multis miserijs [*ut supra* p. 220].

Ad hec et alia intollerabilia mala dictis fratribus inflingenda posuerunt . . . . [&c] nec desistunt eos per modos uarios continue affligere [*ut supra* p. 220].

Item ad procurationem Cancellarii et Magistrorum . . . [&c] per quod dicti fratres excommunicati a populo reputantur [*ut supra* p. 220].

Item frequenter et humiliter egerunt dicti fratres erga Cancellarium et predictos Magistros quod fieret inter eos tractatus pacis et ordinaretur de uia rationabili inter partes et pro hoc scripserunt dicte vniuersitati multotiens domini Reges Anglie domine Regine et multi proceres regni nec uolunt illata mala mitigare, Set in rigore concepto perseuerant continue. Nec scripsit unquam dominus Rex cum comminationibus dicte uniuersitatis quod faceret uoluntatem fratrum, Set quod permitteret [2] fratres in antiquis consuetudinibus approbatis, Et quod noua statuta preiudicialia delerentur. Vnde supplicant humiliter dicti fratres quatenus ad instar felicis recordationis Alexandri pape Quarti qui ad sedandum turbationem inter Magistros Vniuersitatis Parisiensis

Vain attempts at conciliation.

[1] From 'excepto' to 'obseruare' is not on p. 219.

[2] MS. promitteret.

ex parte vna et fratres dicti ordinis et Religiosos alios Parisienses ex altera tunc exortam quodam priuilegium quod incipit *quasi lignum uite* duxit eisdem fratribus concedendum, dignemini eisdem Fratribus pro omnibus beneficijs et quibuscumque indulgentijs in priuilegio predicto contentis et alijs priuilegijs predictis fratribus Parisiensibus a sede apostolica concessis possint in dicto studio Oxonie gaudere de gratia concedere speciali, Similia ipsis fratribus in dicto studio Oxonie priuilegia concedentes; Ita quod predictorum statutorum aut alio quocumque pretextu fratres predicti ad exercendum quoscumque actus Scolasticos per Priorem et Conuentum predictos deputati non cogantur ad alia nisi ad illa dumtaxat que circa dictos fratres in Vniuersitate Parisiensi studij obseruantur, Non obstantibus quibuscumque statutis seu ordinationibus contrarijs per Cancellarium et Magistros vniuersitatis predicte uel alios quoscumque editis uel ordinatis[1] quod predicta mala quantum ad statuta et grauamina illata corrigantur et prouideatur securitati fratrum pro futuro[1], Certis etiam super hijs conseruatoribus deputatis cum omnibus non obstantibus et clausulis oportunis. Quod si in Curia causa[2] protrahatur predicti Rogerus et Riccardus et alij fratres presentandi per ordinem iuxta morem ad Magisterium et bachellariatum absque preiudicio cause principalis admittantur sicut antiquitus consueuerunt a Cancellario uel eius vices gerenti ad huiusmodi actus ad tardius infra mensem postquam presentati fuerunt auctoritate summi Pontificis de gratia speciali, Ne interim minuatur studium theologie quod est ad utilitatem fidei ampliandum: Et ne necessarius uictus fama et affectio amicorum fratrum subtrahatur prouideatur misericorditer de remedio oportuno ut in Ecclesia fructificare ualeant ut solebant, Certis eis super hijs conseruatoribus deputatis cum omnibus non obstantibus et clausulis oportunis. [4]Nec expedit ad inquirendum veritatem cause predicte quod fiat eius remissio in Anglia quia iurisperiti et alij sunt astricti vniuersitati predicte quia studuerunt ibidem et iurauerunt obseruare statuta et consuetudines vniuersitatis uel habent ibidem commorantes consanguineos et affines tantaque sit potentia eorum quod fratres non possunt nec sciunt iustitiam suam tueri contra eos. Vnde a tempore Appellationis facte ad Curiam non inuenerunt fratres predicti aliquem iurisperitum qui eis assisteret in predicta causa nisi vnum pauperem scolarem et simplicem: quo percepto quod iuvaret[3] fratres ipsum Magistri vniuersitatis predicte afflixerunt multipliciter vnde dictos fratres iuvare ulterius non audet[4].

[1] From 'ordinatis' to 'pro futuro' is not in first copy of p. 221.
[2] MS. causam.
[3] MS. uuraret.
[4] From 'Nec expedit' to 'non audet' is not in first copy of p. 221.

Subscripta obseruantur in vniuersitate Parisiensi et multa alia utilia uidelicet quod uniuersitas nichil potest statuere nisi ad statuendum consentiant due partes Magistrorum in theologia et due partes singularum facultatum reliquarum.

Item quod fratres expositi . . . [&c.] obtinent absque contradictione [*ut supra* p. 221].

Item bachellarij presentati . . . [&c.] quod obseruabit pacem Religiosorum [*ut supra* p. 221].

[Second Answer of the University: Proxies.]

Tenor autem cedule supra per dictum Magistrum Io. exhibite talis est.

Infrascriptas rationes proponit Iohannes de Stratford Nuntius et procurator vniuersitatis Oxonie Lincolniensis diocesis ad impetrandum consentiendum et contradicendum constitutus Cuius mandati tenor inferius continetur ad instructionem seu informationem Summi Pontificis super negotio quod vertitur seu uerti speratur inter vniuersitatem predictam ex vna parte et Priorem et Conuentum domus fratrum Predicatorum eiusdem loci ex altera, protestans se nolle nec posse uirtute mandati sui aliqua iudicialiter proponere nec intendit per dicta uel dicenda proposita uel proponenda per eundem vniuersitati in aliquo preiudicare set quatenus poterit veritatem negotij Reuerendo patri domino Riccardo sancti Eustachij Diacono Cardinali ad instructionem summi Pontificis notificare.

¶ Tenor mandati talis est.

Proxy of John de Stratford and others for the University.

In dei nomine. Amen. Vniuersis Christi fidelibus per presens publicum instrumentum pateat euidenter quod Nos Cancellarius et vniuersitas Magistrorum et Scolarium Oxonie Lincolniensis diocesis dilectos nobis in Christo discretos uiros Magistros Iohannem de Stratford Adam Muymoncht Iuris Ciuilis professores ac Magistros Walterum Horkestode Radulphum de la Lee et Nicolaum de Ledolowe[1] clericos procuratores nostros et syndicos ac nuntios speciales et quemlibet eorum insolidum, ita quod non sit melior conditio occupantis set quod per vnum ipsorum fuerit inchoatum per alium prosequi ualeat et expedire, facimus ordinamus et constituimus per presentes ad impetrandum pro nobis in sancta Romana Curia literas tam simplices quam legendas cuiuscumque tenoris existant gratiam seu iustitiam continentes ac literis quibuscunque contra nos impetratis uel impetrandis

[1] Nicholas de Ludlow became a Canon of York in 1328.

contradicendum in loca et Iudices conueniendum et consentiendum, ea uel eos recusandum, cautiones solitas prestandum in animas nostras iurandum et si necesse fuerit appellandum, alium uel alios procuratorem uel procuratores loco ipsorum et eorum cuiuslibet ad premissa substituendum et substitutos reuocandum et iterum alios procuratores[1] quotiens opus fuerit uel uiderit expedire substituendum, Ratum et firmum habentes et habituri quicquid per dictos procuratores nostros sindicos et nuntios speciales uel eorum aliquem aut eorum uel alicuius eorum substitutum uel substitutos quotienscumque actum uel procuratum fuerit nomine nostro in premissis[2].

Acta erant hec in Ecclesia Beate virginis Oxonie anno ab incarnacione domini nostri M°.CCC.xij. Indictione x^a^ Pontificatus sanctissimi patris et domini domini C., diuina prouidentia, pape v anno vij Mensis
1312. Iunii die quartodecimo presentibus Magistro Egidio de Redinge sacre theologie doctore Thoma de Honcham Guillelmo de Pontefracto et Thoma de Hunielcona testibus ad premissa specialiter uocatis et rogatis. In cuius rei testimonium sigillum commune vniuersitatis predicte presenti instrumento publico de manu propria infrascripti Notarij publici ex nostra dato nostro conscripto fecimus apponi. Et ego Nicolaus de Bathonia clericus bathonensis et Wellensis diocesis publicus auctoritate Imperiali Notarius premissis omnibus vna cum dictis testibus presens interfui eaque scripsi et in hanc publicam formam redegi Ac sigillum predictum Commune vniuersitatis predicte presenti Instrumento uidi postmodum apponi meoque signo et nomine presens Instrumentum signaui in testimonium premissorum rogatus.

[Pleadings of the University.]

The Friars should give the words, not merely the 'mind' of the Statutes.

Responsio ad primum per fratres propositum quod tale est.

Statuta edita per Cancellarium et Magistros Oxonie in preiudicium fratrum Predicatorum ibidem commorantium quorum mens describitur vt sequitur.

Ad quod respondetur quod inepta est propositio quia de mente conqueruntur non propositis uerbis[3] cum nemo sine uoce dix[i]sse existimetur.

Item uerba legis prius poni debent ut ex hijs voluntas legis mens colligi possit[4].

Item sermo stipulationis inspiciendus est.

[1] MS. procuratorem.
[2] Occurs again below p. 255.
[3] MS. propositi verbi.
[4] MS. possint.

Ad secundum quod tale est,

'Statutum est ab olim per Cancellarium et Magistros vniuersitatis Oxonie quod nullus possit in sacra pacina magistrari nisi prius esset Magister in artibus aut super hec a Cancellario et Magistris singulis in omni facultate actu regentibus gratiam petitam specialiter obtineat quam gratiam potest quilibet Magister actu regens pro libito impedire nisi fiat de gratia supradicta. Ex quo frequenter contingit uel contingi potest quod digni retardantur et promouentur indigni. Hoc statutum est multum nocciuum fratribus hijs diebus quia excludit fratres pro semper a Cathedra magistrali cum fratres multum in etate iuuenili intrent ordinem prelibatum priusquam regendi in artibus ydoneam possint habere etatem nec eis in dicto ordine liceat magistrari in artibus licet sufficienter in philosophya Infra ordinem sint instructi[1],'

Sic respondetur[2]. In primis quod verba statuti hoc non habent quod hic dicitur pro mente et ideo uidenda essent prius uerba[3].

Item nec iuramento statur ubi per ostensionem uerborum postea apparet contrarium.

Item dato set non concesso quod uerba statutj ita se haberent non est inconueniens quod vnus iustam causam contradictionis afferens gratiam impedire possit maxime cum hoc sit gratiosum[4] per uerba statuti. Not unreasonable that one Master should obstruct grace.

Item in ea parte qua dicunt 'pro semper' aliud quam uerum exprimere uidentur quia fatentur dictum statutum etiam per eosdem fuisse obseruatum per xl annos; infra quod tempus singulis fere annis omnibus notorium est aliquem de ipsorum ordine in theologia incepisse qui in artibus non rexerit: apparet ergo ipsos per gratiam non fuisse dictis temporibus exclusos. Nearly every year Friars are admitted to D.D. without M.A.

Item nulli digno fratri uel alteri gratia denegatur et hoc ibidem notorium est omnibus; cum digni indistincte licentiantur nec unquam fuit uisum quod alicui digno per aliquod notabile tempus denegabatur. Grace never denied to deserving candidates.

Item in ea parte qua fratres dicunt iuuenes intrare ordinem ipsorum qui quamuis postea in philosophia prouecti fuerint in artibus incipere non possunt, per hoc proprium impedimentum arguunt non iniquitatem statuti: quia nec per statutum ipsum nec per alia vniuersitatis statuta Their own fault that they do not take M.A.

[1] MS. structi.

[2] Occurs before p. 217.

[3] The Statute in *Mun. Acad.* p. 25, certainly does not say anything about a single Regent having the power to veto this grace.

[4] i. e. a matter of favour. At this time no 'gratia' would seem to be required for a degree unless dispensation was sought from some of the statutable conditions. 'Gratia' in fact meant 'dispensation.'

prohibentur fratres in artibus incipere. Cum ergo per eos stet, eis imputari debet nec propter difficultatem contingentem ex parte dictorum fratrum debet statutum immutari.

Item vsi sunt dicto statuto per xl annos ut fatentur: ergo nunc reclamare non possunt.

Their appeal was too late or abandoned.

Item nec per appellationem suam si quam interposuerunt se iuuare possunt tum quia infra decem dies non appellarunt ut patet per concessionem eorumdem tum quia destituta est per temporis lapsum.

Their Master assented to the Statute.

Item nec potest eis subueniri per viam querele quia statuto magis ut patet temporibus prebuerunt assensum. In cuius editione Magister Hugo de Musterton qui tunc erat Magister ordinis actu regens propria manu nomine Prioris et Conuentus subscripsit.

Item nec causa est in Curia nec pars.

3 Item quicquid sit de responsionibus 'destruere istud statutum est destruere studium theologie.' Ad tercium quod tale est,

'Item statutum est de nouo quod disputationes que dicuntur vesperie et sunt ceteris disputationibus sollempniores Et statutum fuit alibi quod sermones examinatorij Bachellariorum antequam magistrarentur in theologia que fieri consueuerant a tempore cuius memoria non existit ad locum alium tra[n]sferantur. Hec duo statuta uidentur esse iniusta quia mutant consuetudines approbatas quas Magistri tenentur obseruare per iuramentum prestitum antequam incipiant et cedunt in malum rei publice quia locus fratrum est multum aptior ad disputandum et predicandum et quietior quam sit locus alibi per Magistros assignatus,'[1]

Sic respondetur:

Vespers used to be in Schools of individual Masters, not necessarily in Friars' Convent.

Inprimis quantum ad primum de uesperijs, non narrant uerum factum in ea parte qua[2] dicunt vesperias solere fieri solum in domibus eorum quia quilibet doctor in scolis suis uesperias suas tenere solebat[3].

S. Mary's is the most convenient place for them.

Item locus electus per Magistros uidelicet Ecclesia beate Marie uirginis aptior est pro vesperijs tenendis et alijs publicis actibus exercendis quam aliquis alius locus in ipsa vniuersitate. Idcirco ipsum elegerunt Magistri ad instar iuris consultorum qui sic responsa dabant quia cuida[m] iurisconsulto domus publica data est in sacra via ut facilius consuli posset[4].

[1] Occurs above p. 217. [2] MS. que. [3] MS. solebit.

[4] MS. possit. The allusion seems to be to the 'Stationes ius publice respondentium' which in imperial times grew up round the Law Libraries established in certain temples, such as the Library of the temple of Apollo Palatinus, and the Bibliotheca Ulpia in the temple of Trajan: see Bremer, *Die Rechtslehrer und Rechtsschulen im Römischen Kaiserreich*, Berlin, 1868, p. 13 seq. (I am indebted for these references to Professor Pelham.) From the allusion to the via Sacra, perhaps the former temple was intended; it 'was approached from a road leading out of the Summa via Sacra'

Item quia priuate et particulares scole doctorum non erant capaces pro tali actu sollempni, ideo lex prohibet ne approbati Doctores legant in priuatis edibus set intra Capitolium auditorium sibi constituant. Private Schools too small.

Item istud statutum est Parisiense [et] in petitione eorum concludunt se uelle uiuere secundum statuta Parisiensia sicque uidentur sibi ipsis contrarij. A similar statute is observed at Paris.

Item ad illud statutum de sermonibus examinatorijs eodem modo respondetur sicut ad proximum quod in ea parte falsum factum narrant. Suitable that Sermons should be preached where Degrees given.

Item dato set non concesso quod esset verum, non esset absonum si in eo loco ubi debent coronam[1] Magisterij accipere per sermonem saltem vnicum testimonium sui laboris exhibeant.

Item illud statutum per eosdem diutino usu approbatum est: ergo per eos impugnari non potest ut superius dictum est.

Item nec in appellatione eorum siquam interposuerint deductum est.

Item nec per hoc possunt redarguere Magistros de periurio quia solum iurati sunt ad obseruationem eorum que in regestro communi scripta sunt. Masters only swear to observe what is contained in their Register.

Ad quartum quod tale est,

'Item statutum est quod nullus legat bibliam biblice nisi prius legerit sententias aut fuerit Bachellarius et hoc statutum est etiam irrationabile quia peruertit ordinem doctrine: prius enim oporteret scire intellectum litere quod fit per lecturam biblie quam tractare difficiles questiones quod[2] fit per lecturam sententiarum. Multi etiam sunt apti ad legendum bibliam qui non sunt apti ad legendum sententias: vnde Parisius legunt duos cursus biblie ante quam legant sententias,' Sic respondetur:

In primis quia falsum factum narrant[3] in ea parte qua dicunt quod debet legere sententias. Not true that students must 'read' sentences.

Item dato set non concesso quod sic esset non est inconueniens quia illa lectura excellentior est et per gradus est adscendendum et ordo doctrine seruandus.

Item arguunt ad alteram partem disiunctiue et sic faciunt fallatiam consequentis.

Item ante illud statutum minus sufficientes et indigni bibliam biblice legere presumebant et errores in vniuersitate seminabant quorum lectura magis tendebat ad confusionem vniuersitatis quam ad declarationem sacrarum scripturarum. Errors arose from old practice.

Ad quintum quod tale est,

'Item statutum est quod quicquid Magistri actu regentes . . . statu-

(Middleton, *Ancient Rome in* 1885, p. 106). Its libraries are mentioned in Suet. *Aug.* 29, and Schol. in Juv. i. 128, and many inscriptions (see Middleton, p. 107).

[1] MS. coranam. [2] MS. quam. [3] MS. narravit.

endum totum pro statuto perpetuo habeatur . . . indigent quas potest quilibet actu regens pro libito impedire statuta etiam postquam edita sunt iurant singuli obseruare' [*ut supra* p. 218 and 226],

Sic respondetur:

In primis falsum est ex toto factum propositum et ideo responsione[1] ulteriori non indiget.

Item nec in appellatione siquam interposuerint [est] deductum.

Ad sextum quod tale est,

'Item non admittuntur . . . [&c.] obseruant inuite et horum uota secuntur fratres' [*ut supra* p. 218]:

'Item non solum qui debent magistrari . . . [&c.] bachellarii cuiuslibet facultatis [*ut supra* pp. 218, 219]. Istud statutum licet uideatur rationabile . . . [&c.] contra prestitum iuramentum' [*ut supra* p. 4],

Sic respondetur:

In primis quod tale statutum in appellatione ipsorum siquam interposuerint non est deductum:

Item si tale sit statutum sanum est et a Iure in simili casu approbatum.

Item confessatum est quod ipsi fratres iurati obseruarunt statuta ibi dum dicit 'et eorum vota'; caueant ergo isti in contraueniendo:

Ad septimum quod tale est,

'Modus statuendi est defectiuus . . . Magistri eorum conuenerint ad statuendum . . . et ibidem antequam recedant . . . perpetuis temporibus permansura' [*ut supra* p. 219],

Sic respondetur:

In primis respondetur quod factum falsum proponitur ideo Responsione non indiget.

Item non fuit in appellatione eorum siquam interposuerunt deductum.

Item ad omnia a quibus asserunt se appellasse patet responsio pro eo quod appellatio eorum siquam interposuerunt est deserta per temporis lapsum cum de iusto impedimento non appareat.

Item nec per viam querele aliqua in iudicio deducere possunt quia pars in Curia non est.

Item in omnibus iam propositis alienum interesse deducunt in iudicium quod facere non possunt quia nemo sine accusatione expitur[2].

Item quod ipsi allegant in aliquibus propositis se aliqua de consuetudine habuisse eis prodesse non potest cum non inducant aliquam sufficientem per quam ius eis possit acquiri: siqua tamen fuit ex consensu maioris partis et sanioris ipsius uniuersitatis ab ea legitime est recessum.

[1] MS. responsioni. [2] *Sic in rasura.*

Item ab omnibus remedijs est recessum per approbationem factam et superius confessatam.

[Reply to the Friars' Gravamina.]

Ad Grauamina que dicunt fratres sibi illata que talia sunt,

'Grauamina illata fratribus ordinis Predicatorum Oxonie . . . appellatum uidelicet quod fratrem Hugonem de Suctona magistrum in theologia actu legentem . . . [&c.] per iuramentum obseruare' [*ut supra* p. 219].

'Item fratrem Rogerium de Rakatona . . . fratrem Riccardium de Honteleye . . . [&c.] requiruntur [*ut supra* p. 219].

'Item secundum statuta uniuersitatis predicte . . . [&c.] repelluntur [*ut supra* p. 219].

'Item comminationibus et persuasionibus . . . [&c.] in domibus eorundem [*ut supra* p. 220].

'Item concitant per totam prouinciam . . . [&c.] alijs miserijs sunt relicti [*ut supra* p. 220].

'Ad hec et alia intollerabilia mala . . . [&c.] continue non desistunt [*ut supra* p. 220].

'Item ad procurationem Cancellarij et Magistrorum . . . suam habeant firmitatem per quod fratres predicti excommunicati a populo reputantur [*ut supra p.* 220].

'Item frequenter et humiliter egerunt fratres . . . domine Regine et multi proceres Regni . . . [&c.] delerentur' [*ut supra* p. 220].

Ad primum secundum et tertium sic respondetur:

In primis quod uniuersitas nulla eis intulit grauamina: set si ab aliquibus actibus scolasticis repelluntur hec est illa ratione quia legitime moniti alijs ipsius uniuersitatis statutis non litigiosis et indubitatis parere contempserunt. Idcirco uniuersitas secuta est statutum suum.

The Friar Doctors expelled for disobedience to non-contentious Statutes.

Nec obstat quod dicunt se apellasse quia deserta est: Item propter alia a quibus non est appellatum: Item quia appellatio est extra iudicialis. Ad petitionem eorum que sic incipit,

The Friars do not merely appeal, but demand exceptional privileges.

'Vnde supplicant humiliter dicti fratres quatenus ad instar felicis recordationis Alexandri pape iiij qui ad cedandam turbationem que inter Magistros Vniuersitatis Parisiensis . . . *quasi lignum uite* duxerit . . . predictis fratribus Parisiensibus a sede apostolica concessis nec non et omnibus consuetudinibus in dicta uniuersitate Parisiensi approbatis possint . . . statutis seu consuetudinibus contrarijs per Cancellarium . . . [&c.] cum omnibus non obstantibus et clausulis oportunis,'

Respondetur sic [*ut supra* pp. 220, 221]:

In primis quod male infertur ex primis propositis cum per uiam litis

premissa in iudicium deducere nitantur et concludant non petentes iustitiam set exemptionem et priuilegium quod habent Parisius: de quo non constat quia non est productum.

Privileges injurious to others should not be granted.

Item extra ordinem non est in hoc casu eis subueniendum cum scriptum sit in Iure etiam pupillum extra ordinem non iuuandum si nouum beneficium cum alterius iniuria postuletur; ex hoc enim generaretur scandalum et locus inuidie pararetur. Iustum nempe est secundum legem ubi par similisque militia est omnes eisdem legibus gloriari. Nec mouere debet sanctitatem Summi Pontificis quod illud Parisius asserant se habere quia unus et idem modus uiuendi non equaliter conuenit omni loco. Et certe inhonesta uidetur esse petitio quia benignitas[1] sedis apostolice gratiam fecit in uno loco ergo et ubique eam faciat ut per hoc de exceptione regula fiat, et ad quamdam quasi obligationem et debitum gratia[2] perducatur: immo certe esset magis ratio denegandi ut ex uarietate quada[m] studia uenustentur. Et sicut Paulo dictum fuit sufficit eis una gratia.

Item ista eorum petitio esset domino legenda et in iudicio minime protractanda.

Request to have matter settled in England.

Ista proponit procurator predictus cum protestatione primitus facta deuote supplicans nomine Vniuersitatis sibi iustitiam fieri super premissis et si de negotio non liqueat ad plenum placeat sanctitati sue aliquibus discretis in Anglia suis literis iniu[n]gere ut si eis constiterit predicta statuta rationabilia fore considerata personarum et locorum conditione appellatione non obstante predicta confirment qui de plano sine strepitu et figura iudicij procedentes statuent quod fuerit iustum et faciant inuiolabiliter obseruari; et ne alia ipsius vniuersitatis statuta de cetero in dubium reuocentur eisdem iniu[n]gere dignetur ut uisis et intellectis ceteris uniuersitatis statutis et priuilegijs prout iustum fuerit uocatis qui fuerint euocandi decernant inuiolabiliter obseruandum et faciant per se uel per alium inuiolabiliter obseruari.

[Proxy of John de Stratford for the University.]

Tenor autem litere procurationis supra producte per Magistrum Iohannem talis est.

Proxy of John de Stratford.

In dei nomine amen Vniuersis Christi fidelibus per presens publicum Instrumentum pateat euidenter . . . Iohannem de Stratford Adam Mureymum . . . Walterum de Horkesoue Radulphum de la Lee et Nicolaum de Lodelowe clericos procuratores nostros et Syndicos Ac numptios speciales . . . [&c.] uel procuratum fuerit nomine nostro in

[1] MS. begninitas. [2] MS. gratiam.

premissis [*ut supra* p. 229]. Acta erant hec in Ecclesia beate 1312.
Marie Oxonie Anno ab incarnatione domini nostri Ihesu Christi M°.CCC.xij... fecimus apponi. Et Ego Iohannes de Bathonia clericus Bathoniensis et Wellensis diocesis ... [&c.] signaui in testimonium premissorum rogatus [*ut supra* p. 230].

[Documents exhibited to Notary Public.]

Die lune xxviiij mense Januarij predicti supradicti fratres tradiderunt mihi Notario infra scripto quinque publica instrumenta uidelicet appellationis duo notificationes dicte appellationis et duo procurationum ut uidebatur infrascripti tenoris. Dictus uero Magister Iohannes tradidit etiam mihi dicto predicta omnia recipienti de mandato dicti domini Cardinalis quamdam cedulam cuius tenor infra describitur. Postmodo uero dictus dominus Cardinalis mandauit mihi ut eisdem partibus de productis facerem copiam. Tenor uero dicte Appellationis talis est.

[Notification of Appeal.]

In Nomine domini amen anno ab incarnatione eiusdem secundum 1314.
cursum et computationem Ecclesie Anglicane M°.CCC.xj. Indictione x^a^, Mense februarij exeuntis die xxv, Pontificatus sanctissimi patris et domini domini C. diuina prouidentia summi Pontificis anno vij. In mei presentia notarij publici et testium subscriptorum ad hec specialiter uocatorum et rogatorum frater Laurentius de Warwyk procurator Prioris et Conuentus fratrum ordinis Predicatorum Oxonie quamdam appellationem in scriptis nomine dictorum Prioris et Conuentus eiusdem in eorundem Capitulo Oxonie personaliter constitutus legit et interposuit forma que sequitur continente.

In dei nomine amen licet nuper ex parte Religiosorum uirorum Prioris et Conuentus fratrum ordinis Predicatorum Oxonie lincolniensis diocesis ob certa grauamina per Magistrum Henricum de Mannuesfeld Cancellarium Vniuersitatis Oxonie Magistros Thomam de Ambingdonia[1] Robertum de Bridellingtonia[2] procuratores Et quosdam alios Magistros regentes et non regentes uniuersitatis eiusdem predictis Priori et Conuentui ac singularibus fratribus eiusdem Conuentus minus iuste illata fuerit et sit ad sedem apostolicam sub forma que sequitur appellatum ac etiam ne alia facerent prouocatum: In dei nomine. Amen. Cum Religiosi uiri Prior et Conuentus ordinis fratrum Predicatorum in

[1] Thomas of Abingdon, author of a *Tabula in Ægidium de regimine principum* (All Souls' MSS. No. xcii).

[2] Robert of Bridlington was a Canon of Southwell in 1331. He was also Canon of York, Rector of Clayworth (Notts), and Emley (Yorks).

vniuersitate Oxonie commorantes seu fratres singulares ipsius ordinis in ipso Conuentu sacre scripture studio insistentes ac legentes in ea a xl annis citra seu etiam a tempore cuius principij memoria non existat de usu more seu consuetudine laudabili libere et pacifice obseruatis vesperias disputationes determinationes et alia que ad actus scolasticos pertinere noscuntur in scolis infra ambitum domorum ipsorum fratrum situatis a principio fundationis ipsarum scolarum hactenus fecerint seu tenuerint inconcuse consueuerintque fratres dicti ordinis ad lecturam biblie publice faciendum cum ad hoc sufficientes maiorum ipsius ordinis iudicio extiterint moribus et doctrina per ipsos ibidem in scolis suis publice deputari quamvis bacularij sententiarum antea non fuissent, Necnon et fratres ipsius ordinis quibus impedimentum aliud non obstabat inceperint et incipere consueuerint in theologia licet in artibus statum bacularij uel Magistri nullatenus habuissent fuerintque et sint dicti Prior et Conuentus seu fratres singulares ipsius ordinis in possessione uel quasi iuris tenendi vesperias disputationes determinationes et huiusmodi fratres suos ad lecturam biblie ut predicitur deputandi sentencias legendi et in theologia incipiendi: audito et intellecto quod Magister Henricus de Mannuesfeld doctor sacre theologie et Cancellarius Uniuersitatis Oxoniensis Thomas de Abingdon Robertus de Bridillington Magistri artium et procuratores uniuersitatis eiusdem necnon et quidam alij Magistri regentes et non regentes grauiter extiterant comminati se uelle statuere seu etiam ordinare quod omnes Magistri in theologia vniuersitatis predicte suas vesperias in Ecclesia beate Virginis Oxoniensi tenere debeant in futurum quodque in scolis fratrum ubi hactenus a suis Magistris fieri consueuerunt fieri uel teneri non ualeant quouis modo Et quod nullus admictatur ad bibliam legendam nisi prius bacullarius fuerit sententiarum ac etiam quod nullus incipere valeat in theologia qui in artibus gradum seu statum Magistri uel saltim Bacularij non adscendat studium theologie restringere conantes contra Canonicas sanctiones cum potius debeat ampliari Ac etiam ut alibi alia se uelle ordinare facere et statuere asserentes que in lesionem et preiudicium fratrum cederent predictorum, pro parte ipsorum fratrum metue[n]tium sibi excommunicationibus predictis et alijs probabilibus causis et uerisimilibus coniecturis posse in futurum preiudicium generari Ne dominus . . . Cancellarius procuratores regentes et non regentes predicti seu quiuis alius quauis auctoritate uel mandato quicquam attemptarent uel aptentare faceret seu faceret aliqualiter attemptari in lesione status libertatum consuetudinum seu iurium in predictis et circa predicta hactenus habiturum statuendo ordinando aut quolibet alio modo faciendo, ad sedem apostolicam fuit legitime prouo-

catum ac etiam appellatum. Venerabilis dominus . . . Cancellarius procuratores regentes et non regentes suprascripti post et contra dictam prouocationem de qua eis innotuit ad plenum ordine qui in talibus consueuerat[1] obseruari penitus pretermisso de facto cum de iure non possent ordinarunt seu etiam statuerunt dictis fratribus inuitis et renitentibus quod omnes Magistri in theologia in vniuersitate predicta vesperias suas tenere debeant in Ecclesia beate virginis antedicta quodque nullus fratrum admittatur ad bibliam legendam nisi prius Bacullarius fuerit sententiarum ac etiam de statuendo contulerunt ut alibi quod nullus gradum habere uel incipe[re] ualeat in theologia nisi prius in arte dialectica gradum seu statum Magistri uel saltim bacullarij habuisset in predictorum fratrum iuris libertatum et consuetudinum eorumden lexionem dampnum non modicum et grauamen. Ego igitur frater Thomas Euerardi . . . Prior[2] fratrum Predicatorum sentiens me Conuentum et singulares fratres predictos ex hijs et eorum quolibet per dictos Cancellarium et ceteros[3] indebite pregrauari nomine meo Conuentus et singularium fratrum predictorum nobisque adherentium et adherere uolentium in hac parte ad sedem Apostolicam cui[4] immediate subicimur in hijs scriptis prouoco et appello et apostolos peto instanter instantius et instantissime cum effectu quatenus petendi fuerint in hoc casu: qui si mihi denegati fuerint minus iuste iterum appello Et ne ad alia de quibus supra dicitur statuenda minus Canonice procedatur prouoco ad dictam sedem apostolicam in hijs[5] scriptis subponens me Conuentum ac singulares fratres predictos nobisque adherentes et adherere uolentes statum libertates et consuetudines seu iura nostra predicta protectioni tuitioni et defensioni dicte sedis. Protestor etiam me uelle has prouocationes et appellationem notificare omnibus quibus fuerint notificande et in euentum futuri grauaminis de quo verisimiliter timeo iterum appellare et eas prosequi cum effectu addendi mutandi innouandi minuendi corrigendi et alio Iuris remedio in omnibus semper saluo dominus tamen . . . Cancellarius et procuratores predicti post et contra[6] dictam Appellationem et prouocationes de quibus eis constabat ad plenum ipsis appellationi et prouocationibus non deferens set sacrosanctam sedem apostolicam ad quam dicta appellatio dinoscitur esse interiecta irreuerempter contempnentes iniurias iniurijs accumulantes fratrem Hugonem de Suctona magistrum regentem fratrum predictorum fratres etiam ipsos et eorum scolas debito et a tempore fundationis ipsarum scolarum consueto seruitio Bedellorum priuauerunt ac priuari fecerunt adeo quod nec actus

[1] consueuerant. [2] MS. Priorum. [3] MS. ceteris.
[4] MS. qui. [5] MS. hiis hiis. [6] ↄ̄t.

Scolastici ipsius Magistri fratrum per alias scolas in theologia regentium more solito publicantur nec etiam actus aliorum Magistrorum in scolis ipsorum fratrum Magistro suo uel ipsis fratribus sicut fieri consueuerat nuntiantur cum non consueuerint ipsi fratres et Magister eorum specialem seruitionem habere per quam talia valeant diuulgari, eo quod omnibus in ea facultate legentibus et studentibus quantum ad huiusmodi seruitia per duos ad hoc per Cancellarium et procuratores vniuersitatis predicte qui pro tempore fuerint deputandos consueuerit hactenus communiter ministrari: propter quod cum die Iouis scilicet .xvij. Mensis februarij anno domini M°.CCC.xij. secundum Cursum Curie Romane idem frater Hugo Magister fratrum iuxta morem scolasticum in predicta vniuersitate hactenus obseruatum determinaret et ordinarie disputaret quamquam essent bedelli super hoc antea premuniti nullo determinationem seu questionem ipsius per scolas alias proclamante ac per hoc alijs tam religiosis quam secularibus tam bacularijs quam Scolaribus ad huiusmodi suas determinationes et disputationes qui alias adesse consueuerunt non uenientibus tamquam insciis huius rei. Duobus etiam alijs Magistris in theologia uidelicet fratre Roberto de Valsingham[1] Magistro fratrum Carmelitorum et Magistro Henrico de Harkle Carliolensis diocesis eodem die ad disputandum intrantibus contra morem et dicto fratre Hugone Magistro fratrum inuito eundem fratrem Hugonem solumodo cum suis fratribus non solum sui set[2] fratrum verecundia oportuit disputare: diem etiam alium quem pro sui determinatione dictus frater Hugo Magister fratrum preacceperat predictus Magister Henricus de Harkle de coniuentia et assensu ipsorum Cancellarii et procuratorum in ipsius Magistri fratrum preiudicium ad determinandum perperam subintrauit. Item cum in tractatibus faciendis super inceptoribus in theologia et bacularijs pro legendis sententijs licentiandis omnes et singuli Magistri regentes in illa facultate de usu more et consuetudine cum Cancellario et procuratoribus debeant si uoluerint interesse consueueritque frater Hugo Magister fratrum predictus in theologia actu regens a tempore quo incepit in illa sicut et alij Magistri theologie actu regentes ad huiusmodi tractatus specialiter euocati et in illis presens esse in quibus solent omnium et singulorum Magistrorum theologie ibi presentium ante licentiationem vota requiri et stricta depositio singulorum necessario obtineri, Cancellarius tamen et procuratores predicti una[3] cum omnibus alijs in theologia

[1] Robert of Walsingham's theological works are mentioned by Fabricius, *Bibl. Med. Æv.* (1858), vi. p. 410; Tanner, *Bibl. Brit. Hib.* (1748), p. 752; Villiers, *Bibl. Carmel* (1752), ii. p. 697. This mention of him shows that the bibliographers are wrong in making him die at Norwich in 1310.

[2] MS. et.

[3] MS. una.

regentibus sabato sequenti die uidelicet xviiij. Mensis februarij super licentiam incipiendi et sententias legendi in facultate predicta fratri Iohanni de Kerhamfrede Carmelite sacre theologie bacullario et Magistro Johanni de Helam Cantuariensis diocesis concedendam congregati tra[c]tarunt dicto fratre Hugone Magistro fratrum Predictorum actu ut predicitur regente et ad huiusmodi tractatum[1] non admisso set repulso totaliter et excluso contra consuetudines quamuis se ad hoc admitti humiliter postularet et predictis fratri Iohanni Carmelito incipiendi in theologia et Magistro Iohanni de Elam legendi sententias in predicti Magistri fratrum absentia de facto cum de Iure non possent licentias concesserunt cum tamen in talibus[2] que communiter agi debent vnius contentus plus obesse consueuerit quam multorum contradictio in presenti. Item fratri Henrico Croy Conuentus fratrum predicatorum antedictorum bacularío sacre theologie pro inceptione in theologia se disponenti responsiones ad hoc secundum statuta uniuersitatis predicte necessario requisite per Magistrum Willelmum de Schireburn Magistrum[3] fratrum Minorum et alios etiam Magistros prius concesse de ordinatione ipsorum Cancellarii et procuratorum ac quorumdam aliorum Magistrorum sunt penitus denegate. Item fratri Riccardo de Huntelee pro lectura sententiarum se disponenti responsio antea sibi concessa per fratrem Robertum de Walsingham Magistrum fratrum Carmelitarum est postea ut premittitur denegate. Bacularijs etiam de predicto ordine fratrum Predicatorum ad disputationes primas in scolis aliquorum Magistrorum uenientibus quibus inter alios bacullarios precipue in disputationibus huiusmodi consueuit dari licentia opponendi ex communi condicto Cancellarii et procuratorum cum alijs Magistris habito iam huiusmodi licentia licet instanter petita et sepius est denegata nec quicquam dicere sunt permissi. Similiter nec alij fratres in alijs communibus disputationibus sicut consueuerant opponere permittuntur. Per uerba etiam et facta dictorum Cancellarij et procuratorum ac Magistrorum Scolares tam religiosi quam seculares a consuetis ad clerum fratrum sermonibus retrahuntur et multa insueta alia dictis fratribus in sui preiudicium sunt illata: que omnia et singula in predictorum Prioris et Conuentus ac singularium fratrum ipsius Conuentus cedunt uerecundiam dampnum non modicum et grauamen. Vnde ego frater Laurentius de Warwik procurator predictorum Prioris et Conuentus infra .x. dies a tempore quo mihi innotuit uel innotescere potuit quod hec predicta de conuocato consilio[4] predictorum Cancellarij et procuratorum ceterorumque Magistrorum et specialiter ad hoc commouentibus supradicto

[1] MS. tractatu. [2] MS. talit'. [3] MS. Magistro. [4] MS. cōcato consilii.

Magistro Henrico de Harhe et Magistro Rogero de Scartheburg' Rectore Ecclesie de Staneweg' Lincolniensis Diocesis ac Magistro Symone de Mune Wygorniensis Diocesis in arte Medicine actu regente Necnon Magistro etiam Galfrido de Hollecohete Lincolniensis diocesis processerunt sentiens Priorem Conuentum me et singulares fratres predictos ex hijs et eorum quolibet indebite pregrauari nomine Prioris Conuentus meo et singularium fratrum predictorum nobisque adherentium et adherere uolentium in hac parte ad predictam sedem apostolicam in hijs scriptis prouoco et appello predictasque prouocationes et appellationem ex parte dictorum Prioris et Conuentus alias interiectas innouo et apostolos peto instanter instantius et instantissime quatenus petendi fuerint in hoc casu: et ne ad aliqua alia statuenda circa premissa uel occasione premissorum aliqualiter ordinanda que cedere possint in preiudicium uel grauamen ipsorum fratrum predictorum de quibus ex verisimilibus coniecturis potero formidare minus canonice procedatur ad dictam sedem apostolicam prouoco in hijs scriptis Supponens Priorem Conuentum me et singulares fratres predictos nobisque adherentes et adherere volentes statum libertates et consuetudines seu iura nostra in predictis proteccioni tuitioni et defensioni dicte sedis. Protestor etiam me uelle has prouocationes et appellationes notificare omnibus quibus fuerint notificande et in euentum futuri grauaminis de quo uerisimiliter timeo iterum appellare et eas prosequi cum effectu addendi mutandi innouandi minuendi corrigendi et alio Iuris remedio in omnibus semper saluo. Lecta et interposita fuit ista appellatio nomine predictorum Prioris et Conuentus fratrum ordinis Predicatorum Oxoniensium ac singularium fratrum Conuentus eiusdem in Capitulo eorundem fratrum per predictum fratrem Laurentium eorundem fratrum procuratorem presidentem tunc in Conuentu eodem cum ipso Conuentu ad hoc ibidem specialiter congregatis Anno domini, Mense, die, loco, Indictione et Pontificatu supradictis, Presentibus Thoma de Brithilinton, Willelmo Marescall,' Nicolao de Clere, Waltero de Glomorghan, Riccardo de Hyde, testibus ad premissa vocatis et rogatis.

[Publication of Appeal in the Minorite Church at Oxford.]

Item lecta fuit et interiecta eodem die per eundem fratrem Laurentium coram testibus prenotatis in Ecclesia fratrum Minorum coram multitudine hominum copiosa ibidem occasione sermonis publici ad clerum congregata[1] et eius copia postmodum eodem die procuratori-

[1] MS. -tā.

bus pretactis vniuersitatis predicte qui eam ex parte uniuersitatis et sui petebant tradita et recepta in Capitulo fratrum Predicatorum Oxoniensium prenominato presentibus Magistris Adam Cosay Magistro Thoma de Wenlack Notario publico Iohanne de Aldeswelle Petro de Aynho Bedellis vniuersitatis predicte Thoma de Brinthamton, Riccardo de Hyde, per Conuentum eorundem fratrum tunc presidentem fratrem Willelmum de Brythamton quia frater Laurentius pretactus[1] vocatus ibidem dixit se ex causa hoc immediate nolle facere nec predictis procuratoribus uel sic saltim communicando uideretur sui uel fratrum querele seu iustitie in aliquo derogare quod se nolle aliqualiter facere protestabatur. Acta sunt premissa et in Capitulo fratrum Predicatorum et in Ecclesia fratrum Minorum Oxoniensium ut premittitur Anno domini, Mense, die, Indictione et Pontificatu supradictis. Et ego Iohannes Walteri de Engham clericus Eboracensis diocesis publicus Imperiali auctoritate Notarius premisse appellationi in Capitulo fratrum Predicatorum Oxoniensi facte interpositioni notificationi eiusdem in Ecclesia fratrum Minorum Oxoniensium ut predicitur facte appellationi et prouocationi alibi interiectarum innouationi copie etiam ut premittitur petitioni tradictioni et receptioni dicti etiam fratris Laurentii ibidem in Capitulo protestationi vna cum testibus ut predicitur prenotatis presens interfui easque sicut premittitur fieri uidi et audiui et a rogatum dictorum fratrum Predicatorum in hanc publica[m] forma[m] redegi meoque signo solito rogatus signaui in testimonium premissorum.

[Service of Appeal on Chancellor.]

In Nomine domini amen anno eiusdem ab incarnatione secundum cursum et computationem Ecclesie Anglicane M°.CCC.xj. Indictione x^a^, Mensis Februarij Exeuntis[2] die xxvj. Pontificatus sanctissimi patris et domini domini Clementis Quinti diuina prouidentia summi Pontificis Anno .vij. Accessit cum me Notario publico et testibus infrascriptis frater Laurentius de Waruik Procurator Prioris et Conuentus fratrum ordinis Predicatorum Oxoniensium Lincolniensis diocesis pro notificatione et copie traditione appellationis et prouocationis nomine eorundem fratrum Predicatorum et suo per eundem fratrem Laurentium ut patet in instrumento publico per me Notarium infrascriptum super hoc edito die immediate precedenti interiectarum pro quibusdam grauaminibus specialiter in actibus scolasticis exercendis predictis fratribus illatis per dominum Cancellarium procuratores

The Friars' Proctor prevented from entering Chancellor's School by his servants.

[1] MS. p̄tactals. [2] MS. execuntis.

aliosque Magistros vniuersitatis Oxoniensis ad scolas domini Cancellarii pretacti Magistri silicet Henrici de Menefeld tunc actu in sacra theologia legentis: et pretactas appellationem et prouocationem ibidem legere uoluit sed non fuit permissus ymo impeditus per Hugonem de Cundicote dicti Cancellarii domicellum et alios quosdam aditum dictarum scolarum Cancellarij et ingressum hostij obturantes ad hoc ut uerisimiliter creditur ibidem deputatos. Vnde cum dominus Cancellarius predictus de scolis descendisset predictus frater Laurentius occurrens dixit ei se ad eum accessisse pro notificatione facienda et copia sibi tradenda appellationis die immediate precedenti per eundem fratrem L(aurentium) interiecte copiamque dicte appellationis dicto domino Cancellario obtulit et penes eundem in gremio eius dimisit: quam cum aliquantulum dictus Cancellarius retenuisset in luttum[1] conte[m]ptibiliter eam proiecit cum uerbis in fratres inpactiuis. Acta sunt premissa Anno domini Mense, die, loco, Indictione et Pontificatu supradictis presentibus Hugone de Cundicone pretacto[2] et Willelmo Marescall, Nicolao de Clere, Riccardo de Hyde, Iohanne de Haye testibus ad premissa vocatis et rogatis. Et ego Iohannes Walteri de Ergham clericus Eboracensis diocesis publicus Auctoritate Imperiali Notarius premissis accessui predicti fratris Laurentij ad scolas domini Cancellarij impedimento eidem ut predicitur exhibito pretacte appellationis notificationi copie oblationi dimissioni et in luttum[1] proiectioni una cum testibus supradictis presens interfui easque sicut premittitur fieri, uidi et audiui et ad rogatum dictorum fratrum in hanc publicam formam redegi meoque signo solito rogatus signaui in testimonium premissorum.

When Chancellor leaves, Proctor drops notice into his bosom. The Chancellor drops it into the mud with opprobrious words.

[Service of Second Notification of Appeal upon Congregation in St. Mary's.]

In Nomine domini amen memorandum quod cum Anno domini M°.CCC°.xj. Indictione x. Mensis Nouembris exeuntis die ultima pontificatus sanctissimi patris et domini domini Clementis quinti diuina providentia summi Pontificis anno .vij. facta esset in Ecclesia beate virginis Oxonie magistrorum regentium et non regentium congregatio generalis accessit in principio frater Laurentius de Warwik constitutus procurator prioris et Conuentus fratrum ordinis predicatorum Oxoniensium pro prouocationibus et appellatione ad sedem Apostolicam ex parte Prioris et fratrum predictorum pro quibusdam grauaminibus eis contra suas libertates et consuetudines a dictorum magistrorum simili

[1] MS. luctum. [2] MS. pretacta.

congregatione proxime precedente illatis prius legitime factis et sepius postmodum publicatis ibidem iterum publicandis cum me Notario publico infrascripto et testibus etiam infrascriptis ad hoc testificandum ibidem specialiter vocatis et rogatis. Set ante quam dictas prouocationes et appellationem dictus procurator fratrum legere inchoasset Magistri quidam dicte congregationis me cum testibus supratractis exire de Ecclesia compellebant ipso procuratore fratrum predicto cum predictis Magistris ibidem interius remanente qui postea ab eisdem de Ecclesia exijt conturbatus protestans se dictas prouocationes et Appellationem velle prosequi cum effectu et earum copiam offerens postquam hostium Ecclesie recluserunt. Cum ergo Ecclesiam intrare non posset extra coassistentibus sibi me Notario publico et testibus infrascriptis ad hoc vocatis coram multitudine hominum copiosa accessit ex parte australi chori ubi erant dominus Cancellarius et Magistri predicti interius congregati et ibidem ex opposito ad fenestram apertam unde eum aperte interius possent audire super tumbam stans cepit legere prouocationes et appellationem predictas et usque ad finem clarius perorauit. Postmodum uero Magistros interius cepit alloqui isto modo 'Reuerendi Magistri istum processum uobis notificassem interius si fuissem permissus set quia cum uiolentia sum expulsus ideo hic coram[1] Notario publico et testibus ista perlegi et omnes circumstantes testes invoco: premissorum copiam etiam huiusmodi processus ostio istius Ecclesie afixam uobis relinquo.' Et accedens ad hostium Ecclesie quod adhuc clausum erat exemplar completum prouocationum et appellationis predictarum cum clauo eidem affixit hostio et recessit: in quem circumstantes domicelli et Mancipia Magistrorum maledictiones et improperia plurima iniurias etiam [imposuerunt]. Necnon et in fratres ordinis conclamarunt dicentes 'peccatum esset uobis fratribus subuenire et pium hostia uestra obstruere et uos tamquam superbissimos ibi comburere qui cum sitis miseri et mendici audetis contra tantam congregationem tam reuerendarum et excellentium personarum appellationem aliquam commouere' et alia huiusmodi conuitia plurima in fratrum predictorum uituperium inculcabant. Acta sunt premissa Anno domini Mense, die, Indictione, loco et Pontificatu supradictis presentibus Thoma de Brundeghton, Willelmo le Merescall', Riccardo de Hithe, Waltero de Glomorgan[2], Nicolaco de clere, testibus ad premissa specialiter uocatis et rogatis. Et ego Iohannes Walteri de Engham clericus Eboracensis diocesis publicus auctoritate Imperiali Notarius premissarum prouocationum et appellationis ad fenestram ut predicitur

Friars' Proctor is turned out of St. Mary's.

But reads Notification through a window of choir.

Retires amid maledictions of Scholars' servants.

[1] MS. copiam.

[2] MS. Clomorgan.

facte publicationi, notificationi et protestationi copieque dimissioni ad hostium Ecclesie facte presens interfui easque sicut premittitur fieri, uidi et audiui una cum testibus supradictis et ad rogatum dictorum Prioris et fratrum in hanc publicam formam redegi meoque signo solito rogatus signaui in testimonium premissorum.

[Proxy of Robert Everard, B.D., to act for the Convent.]

Tenor procurationum supra exhibitarum per dictos fratres talis est.

In Nomine domini. Amen. Anno eiusdem secundum Cursum et computationem Ecclesie anglicane M°.CCC°.xj. Indictione x^a^. Mensis februarij intrantis die x. pontificatus sanctissimi patris et domini domini Clementis .v. diuina prouidentia Summi Pontificis Anno vij. In mei notarij publici infrascripti et testium subscriptorum ad hec specialiter uocatorum et rogatorum presentia Religiosi viri fratres Thomas Euerardi Prior fratrum ordinis Predicatorum Oxonie et eiusdem loci Conuentus in eorumdem Capitulo co[n]stituti fratrem Robertum Euerardi suum procuratorem legitime fecerunt, constituerunt et ordinauerunt sub tenore qui sequitur: Pateat vniuersis tenore presentium quod nos Prior fratrum ordinis Predicatorum Oxoniensium Lincolniensis diocesis et eiusdem loci Conuentus ac singuli etiam fratres Conuentus eiusdem dilectum nobis in Christo confratrem nostrum Robertum Euerardi sacre theologie bacularium licet absentem tanquam presentem nostrum verum et legitimum facimus, ordinamus Syndicum et procuratorem coram quibuscumque Iudicibus contra quoscumque Aduersarios nostros quibuscumque diebus et locis in omnibus causis et negotijs, questionibus et litibus motis seu mouendis pro nobis seu contra nos et specialiter ad comparendum et procedendum pro nobis coram sanctissimo patre nostro domino papa ac Venerabili Collegio dominorum Cardinalium Romane Ecclesie sacrosancte ac quibuscumque Iudicibus uel Auditoribus dicte Curie Romane ad prosequendum et tractandum appellationes et ipsarum causas ex parte nostra contra Cancellarium vniuersitatis seu studij Oxoniensis uel etiam contra Cancellarium se ipsum nominantem et quemcunque eidem in Officio prenotato succedentem et contra quemlibet eius vices gerentem ac etiam contra procuratores et Magistros vniuersitatis predicte certis ex causis iam dudum interpositas et etiam specialiter petendum impetrandum et obtinendum quod in sacrosancta Curia Romana huiusmodi cause fratrum pertractentur licet de natura ipsarum ibidem non habeant uentillari et etiam si expedire uidcatur omisso appellationis

articulo in principali negotio procedere consentiendum, Dantes eidem in premissis et in omnibus alijs causis nostris presentibus et futuris potestates agendi defendendi excipiendi replicandi litem contestandi in animas nostras iurandi tam de calu[m]pnia quam de ueritate dicenda et quodlibet liciti sacramenti genus prestandi testes et instrumenta producendi defectus et crimina opponendi expensas petendi et recipiendi sententias tam diffinitiuas quam interlocutorias audiendi appellandi et appellationem prosequendi status nostri reformationem et in integrum restitutionem petendi et recipiendi literas tam simplices quam legendas iustitiam seu gratiam continentes impetrandi et in Iudices et loca consentiendi alium seu alios procuratores non semel tantum set pluries prout ei uidebitur loco sui substituendi et substitutionem seu substitutiones reuocandi et constitutionem principalem reassumendi quotienscunque et quandocunque sibi uidebitur expedire et gratialiter omnia alia et singula faciendi que per verum procuratorem fieri poterunt seu debebunt etiam si mandatum exigant speciale: ac etiam si altioris nature uel indaginis fuerint quam aliquod premissorum. Damus etiam insuper eidem et concedimus potestatem specialem in causis predictis et quibuscunque alijs motis et mouendis inter nos et studium seu uniuersitatem predictam Et contra quascumque personas ibidem presidentes et morantes quascumque alias paciscendi transigendi amicabiliter componendi iniurias et grauamina remittendi in arbitrum seu arbitros aut amicabiles compositores illa occasione compromittendi laudum dictum ac eorum sententiam recipiendi omologandi[1] et expresse approbandi Et specialiter omnia alia faciendi que articulum huiusmodi pacis et concordie contingere poterunt etiam si mandatum exigant speciale. Pro dicto etiam procuratore nostro Necnon et substituendo uel substituendis ab eo sub ypotheca et obligatione omnium rerum et bonorum ad nos et ad locum nostrum Oxonie pertinentium in quantum statui nostro licet et ordinis nostri conditio patitur et requirit Iohanni Notario publico legitime stipulanti uice et nomine omnium quorum interest uel interesse poterit in futurum cautiones rem ratam haberi et iudicatum solui cum omnibus suis clausulis requisitis promittimus et exponimus per presentes, promittentes nos ratum habituros et firmum quicquid in iudicio uel extra iudicium per eundem procuratorem nostrum prenominatum et substitutum uel substitutos ab eodem in Romana Curia in quibuscumque questionibus causis uel litibus contra quascumque personas superius nominatas uel alias quascumque coniunctim uel diuisim actum fuerit gestum uel etiam qualitercunque procuratum. In cuius rei testi-

[1] MS. emologandi.

monium has literas nostras manu Notarij publici infrascripti de mandato nostro scriptas sigillorum nostrorum tam Prioris quam Conue[n]tus appensione fecimus communiri. Actum et datum in nostro Capitulo Oxoniensi Anno domini Mense die Indictione et Pontificatu supradictis presentibus Iohanne de Lee Willelmo Marescal Nicolao de Clere testibus ad premissa specialiter vocatis et rogatis. Et ego Iohannes Walteri de Erghen clericus Eboracensis diocesis publicus Imperiali auctoritate Notarius presenti procurationi constitutioni sigillorumque appositioni vna cum testibus prenotatis presens interfui easque sicut premittitur fieri uidi et audiui ac etiam ut premittitur ab eisdem Prioris et Conuentui secundum iuris exigentiam nomine omnium quorum interest uel interesse patitur in futurum predictas cautiones promittentibus stipulatus fui et ad rogatum dicti . . Prioris et fratrum in hanc publicam formam redegi meoque signo solito rogatus signaui in testimonium premissorum.

[Proxy of John de Wi, Proctor for the Friars at Rome, given by Robert Everard as Proctor for Convent.]

In Nomine domini. Amen. Anno dominice Incarnationis eiusdem Millesimo CCC°.xij. uidelicet die vij. Mensis Decembris vndecime Indictionis Cunctis hanc cartam intuentibus innotescat quod Religiosus vir frater Robertus Euerardi Bachallarius in theologia ordinis predicatorum Sindicus et procurator Prioris fratrum et Conuentus fratrum Predicatorum Oxoniensium Lincolniensis diocesis constitutus Coram quibuscunque Iudicibus contra quoscunque aduersarios eorum quibuscunque diebus et locis in omnibus causis et negotijs questionibus litibus motis et mouendis pro eis seu contra eos et specialiter ad comparendum et procedendum pro eis coram sanctissimo Patre domino nostro papa ac Venerabili Collegio dominorum Cardinalium Romane Ecclesie sacrosancte ac quibuscunque Iudicibus uel Auditoribus dicte Curie Romane ad prosequendum et tractandum appellationes et ipsarum causas ex parte ipsorum Prioris et fratrum et Conuentus Oxoniensium contra Cancellarium vniuersitatis seu studij Oxoniensis uel etiam contra Cancellarium se ipsum nominantem et quemcunque eidem in officio prenotato succedentem et contra quemlibet eius vices gerentem ac etiam contra procuratores et Magistros vniuersitatis predicte certis ex causis iam dudum interpositis et specialiter petendum impetrandum obtinendum quod in sacrosancta Curia Romana huius cause fratrum pertractentur licet de natura ipsarum ibidem non habeant uentillari et etiam si expedire uideatur omisso appellationis

articulo in principali negotio procedere consentiendum, prout hec et multa alia constant manifeste per quoddam publicum instrumentum factum manu Iohannis Walteri de Erghen clerici Eboracensis diocesis publici auctoritate imperiali Notarij sub anno domini M°.CCC.xj Indictione x^a^ Mensis Februarij intrantis die x^a^ [1] dictus frater R. Euerardi habens in predicto instrumento a predictis Priore fratribus et Conuentu Oxonieñs potestates alium seu alios procuratorem seu procuratores non semel tantum set pluries prout ei uidebitur loco sui substituendi et substitutionem uel substitutiones reuocandi et constitutionem principalem reassumendi, dictus magister frater Robertus Sindicus et procurator Prioris fratrum et Conuentus ordinis Predicatorum Oxoniensium auctoritate et potestate qua supra ad omnia vniuersa et singula supradicta prout superius expressa sunt et alia omnia et singula in instrumento sui Sindicatus et procurationis contenta fratrem Iohannem de Wi ordinis Predicatorum licet absentem tamquam presentem dicto Priori fratribus et Conuentui Oxoniensibus Sindicum et procuratorem constituit et substituit loco sui cum omnimoda potestate sibi a dictis Priore fratribus et Conuentu[2] Oxoniensibus data et concessa promittens mihi Petro Amandi Notario ut premittitur publice recipienti et stipulanti vice et nomine omnium et singulorum quorum interest uel interesse potest uel poterit in futurum quicquid in iudicio uel extra iudicium per dictum procuratorem ab eo constitutum et loco sui substitutum in Romana Curia in quibuscunque questionibus causis uel litibus contra personas superius nominatas uel alias quascunque coniunctim uel diuisim actum gestum uel etiam qualitercunque procuratum. Et uolens dictum procuratorem constitutum ab eo et loco sui substitutum releuare ab omni onere satisdandi iudicatum solui promisit mihi Notario infrascripto stipulanti ut supra sub ypotheca et omni obligatione bonorum ad ipsos Priorem fratres et Conuentum loco Oxonie pertinentium in quantum statui suo licet et ordinis[3] Predicatorum conditio patitur et requirit rem ratam haberi et iudicatum solui cum omnibus suis clausulis vniuersis. Actum fuit hoc Aurasie[4] infra Monasterium ordinis Predicatorum in domo in qua fratres infirmi conquiescunt Anno Mense Indictione et die quibus supra presentibus testibus fratre Guillelmo de Portaclara eiusdem ordinis Iohanne Tibaudi de Curted .... Petro dic[t]us Oriel de Bellicardo Iohanne de Lerge et me Petro Amandi publico auctoritate Imperiali Notario qui predicte constitutioni et substitutioni interfui et rogatus inde et requisitus per dictum fratrem Robertum hoc presens instru-

[1] The date seems to be here given as die IX^a^, but the I is indistinct.
[2] MS. Conuentui. [3] MS. ordini. [4] i. e. Orange.

mentum scripsi et hoc meo signo signaui[1]. Tenor autem cedule supra exhibite per dictum Magistrum Iohannem talis est :

[Further pleadings of University.]

Various allegations of Friars denied.

Responsio ad addita et correcta per fratres Et primo ad id quod additum est in capitulo illo quod incipit 'statutum est' ubi dicunt statutum de sui natura inrationabile, respondetur ipsum rationabile esse sicut liquide inspicient[ibus] per alia prius proposita apparet.

Item ad id quod dicunt non interuenisse consensum Prioris et Conuentus Respondetur ipsos consensisse tam tacite quod expresse et hoc uidetur esse confessatum per eosdem.

Item ad id quod dicunt gratiam frequenter esse negatam Respondetur quod gratia modo quo omni tempore solet concedi conceditur in presenti absque aliquali imm[u]tatione.

Item ab isto statuto non asserunt se appellasse.

Item ad id quod dicunt in quodam addito quod incipit 'ab istis duobus statutis' et cetera ubi asserunt Summum Pontificem dixisse se uelle causam in Curia tractare ex gratia sua speciali, Respondetur quod non creditur hoc esse verum Et hoc apparet in fine petitionis eorundem ubi proponunt rationes ad monendum Summum Pontificem licet minus sufficientes ad concedendum premissa quod non essent necesse si fuissent concessa.

Item hoc idem apparet ex forma Commissionis domino Cardinali postmodum facta maxime cum dominus papa dixerit se uelle facere iustitiam partibus.

Item nec hoc apparet nisi per assertionem partis cui in hac parte credi non debet.

Item ad aliud quod dicunt in quodam addito in fine petitionis eorundem quod incipit 'nec expedit' et cetera ubi asserunt non expedire causam fore ad partes committendam pro eo quod Iurisperiti per iuramentum dicte vniuersitati sunt astricti, Respondetur quod multi sunt qui ipsi vniuersitati in nullo propter se nec alios sunt astricti.

There are Cardinals and other foreign prelates in England.

Item in Anglia sunt Reuerendi patres domini Cardinales[2] aliique prelati de Lombardia Francia aliisque prouincijs qui ipsi vniuersitati in nullo sunt astricti.

Item graue esset uniuersitati pauperi nullos redditus habenti que

[1] MS. signauique.

[2] The legates, Arnauld, Card. Bp. of Albano, and Arnauld, Cardinal of S. Prisca, *Reg. Clem. V*, An. viii. No. 9937.

etiam continua quiete esse debetur in Curia Romana uel alibi litigare. Idcirco supplicat humiliter et deuote dicta vniuersitas quatenus dignetur summi Pontificis clementia aliquibus discretis in Anglia literis iniungere qui summarie et de plano absque strepitu et figura iudicij procedentes auditis hijs a quibus dicti fratres asserunt se appellasse saluo iure vniuersitatis veritatem inquirent et quod iustum fuerit statuant in premissis. Poverty of University.

[Another hearing before the Cardinal, Feb. 6.]

Die Martis vj. Mensis februarij Anni predicti Comparentibus coram dicto domino Cardinale in loco predicto sedente ut moris est fratribus memoratis ex parte vna et dicto Magistro Iohanne ex altera nominibus quibus supra idem dominus Cardinalis eisdem ad exhibendum quicquid exhibere uoluerint ad cras terminum assignavit mandans mihi Notario ut illa que dare uoluerunt recipiam Et de productis hinc inde copiam faciam et eisdem partibus post habitam copiam ad dicendum contra producta ad diem immediate sequentem de voluntate partium terminum assignem.

[Exhibition of Documents.]

¶ Die Mercurij vij. dicti Mensis predicti fratres Thomas et Iohannes tradiderunt mihi Notario recipienti de mandato dicti domini Cardinalis superius mihi facto duas literas sigillatas sigillis pendentibus vna uidelicet uno et reliqua duobus et duo publica Instrumenta quorum tenores tales sunt:

[Proxies of Lawrence of Warwick for the Friars.]

Vniuersis pateat per presentes quod Nos Prior et Conuentus fratrum ordinis Predicatorum Oxoniensium ad notificandum et innouandum appellationem ex parte nostra interpositam ex quibusdam grauaminibus per dominum . . . Cancellarium procuratores necnon quosdam alios regentes et non regentes vniuersitatis Oxonie nobis illatis dilectum nobis in Christo confratrem nostrum fratrem Laurentium de Warwick ordinamus constituimus et facimus procuratorem seu nuntium specialem, dantes eidem potestatem specialem predictam appellationem nostram notificandi omnibus quibus fuerit notificanda ac etiam si oportuerit innouandi ac etiam ex alijs grauaminibus si opus fuerit appellandi ac omnia alia et singula faciendi que in premissis et circa premissa exigit ordo iuris etiam si mandatum exigant speciale Ratum habentes et habituri quicquid per eundem procuratorem seu nuntium nostrum nomine nostro actum gestumue fuerit in hac parte. In cuius

rei testimonum sigilla tam Prioris quam Conuentus presentibus sunt appensa. Datum Oxonie xv. Kalendas decembris anno domini millesimo trecentesimo vndecimo.

Pateat vniuersis per presentes quod Nos Prior et fratres ordinis Predicatorum Conuentus Oxoniensis in omnibus causis et negotijs nos Priorem et fratres predictos et eorum quemlibet qualitercunque tangentibus coram quibuscumque iudicibus ordinarijs delegatis eorumque Commissarijs quibuscumque diebus et locis quotienscumque nos abesse uel adesse continget dilectum nobis in Christo confratrem nostrum fratrem Laurentium de Waruico procuratorem nostrum ordinamus facimus et constituimus per presentes, Dantes eidem nomine nostro mandatum generale et potestatem specialem agendi defendendi excipiendi testes et instrumenta producendi et exhibendi status nostri reformationem et in integrum restitutionem quotiens opus fuerit nomine nostro petendi et recipiendi prouocandi et appellandi ipsasque prouocationes et appellationes nomine nostro interpositas quibuscunque interesse potuerit notificandi ac prosequendi et omnia alia et singula faciendi que in premissis uel circa ea quomodolibet fuerint oportuna Ratum et gratum habentes ac habituri quicquid idem procurator nomine nostro in premissis duxerit faciendum. In cuius rei testimonium sigillum nostrum Commune presentibus literis fecimus apponi.

[Act of Appeal in Dominican Chapter House at Oxford.]

In nomine domini. Amen. Anno eiusdem ab incarnatione secundum cursum et computationem Ecclesie Anglicane Millesimo CCC°xj. Indictione x^a^ Mensis Nouembris Exeuntis die xvij Pontificatus sanctissimi patris et domini domini Clementis Quinti diuina prouidentia Summi Pontificis Anno. vj. in mei notarij publici infrascripti et testium subscriptorum ad hoc specialiter vocatorum et Rogatorum presentia Religiosus vir. . . . Prior fratrum ordinis Predicatorum Oxoniensium in Capitulo eorumdem personaliter constitutus nomine suo ac nomine Conuentus predicti et singularium fratrum ipsius ordinis quamdam appellationem ad sedem appostolicam in scriptis interposuit forma que sequitur continentem: In dei nomine. . . Amen. Cum religiosi viri Prior et Conuentus fratrum ordinis Predicatorum Oxoniensium ac singulares fratres ipsius ordinis in ipso Conuentu sacre scripture studio insistentes ac regentes in ea a tempore cuius principij memoria non existit de consuetudine laudabili libere et pacifice obseruata fuissent et sint in possessione uel quasi iuris habendi et tenendi vesperias disputationes determinationes ac alia que ad actus scolasticos pertinere

noscuntur in scolis infra ambitum domorum ipsorum fratrum situatis et sic a tempore quo primo in uniuersitate scolas habuerunt usque nunc fecerunt seu tenuerunt inconcusse consueueruntque fratres dicti ordinis ad lecturam biblie ibidem publice faciendam cum ad hoc sufficientes maiorum ipsius ordinis iudicio extiterunt moribus et doctrina per ipsos hactenus deputari et fratres ipsius ordinis quibus impedimentum aliud non obstabat inceperint et incipere consueuerint in theologia licet in artibus statum bacularij uel Magistri nullatenus habuissent fuerintque et sint dicti . . Prior et Conuentus seu fratres singulares ipsius ordinis in possessione uel quasi iuris ibidem tenendi vesperias disputationes et determinationes huiusmodi fratresque suos ad lecturam biblie ut premittitur deputandi sententias legendi et in theologia incipiendi audito et intellecto quod Magister Henricus de Mannesfeld . . doctor Sacre theologie et . . . Cancellarius vniuersitatis Oxonie, Thomas de Abigdonia et Robertus de Bridyllygtonia Magistri artium ut procuratores vniuersitatis eiusdem necnon quidam alij regentes et non regentes grauiter extiterunt cominati se uelle statuere seu etiam ordinare quod omnes Magistri in theologia vniuersitatis predicte suas vesperias in Ecclesia beate Marie Oxoniensi tenere debeant in futurum quodque alibi in scolis fratrum ubi hactenus a suis Magistris fieri consueuerint fieri uel teneri non valeant quovis modo Et quod nullus admittatur ad bibliam legendam nisi prius bacularius fuerit sententiarum Ac etiam quod nullus incipere valeat in theologia qui in artibus gradum seu statum Magistri uel saltim bacularij non adscenderit studium theologie restringere conantes contra Canonicas sanctiones cum potius debeat ampliari ac etiam ut alii alia se uelle ordinare facere et statuere multipliciter cominantes que in lexionem et preiudicium fratrum cederent predictorum: ex parte ipsorum fratrum metuentium sibi ex cominationibus predictis et alijs probabilibus causis et verisimilibus coniecturis posse in futurum preiudicium generari Ne dominus . . . Cancellarius procuratores regentes et non regentes predicti seu quiuis alius quauis auctoritate uel mandato quicquam atte[m]ptarent uel attemptaret facerent uel faceret aliqualiter attemptari in lexione status libertatum consuetudinum seu iurium in predictis et circa predicta hactenus habitorum statuendo ordinando aut quolibet alio modo faciendo ad sedem Apostolicam fuit legitime prouocatum ac etiam appellatum: verum quia dictus . . Cancellarius procuratores regentes et non regentes supradicti post et contra dictam prouocationem de qua eis innotuit ad plenum ordine qui in talibus consueuerat obseruari penitus pretermisso de facto cum de Iure non possent ordinarunt seu etiam statuerunt dictis fratribus invitis et renitentibus quod

omnes Magistri in theologia in vniuersitate predicta vesperias suas tenere debeant in Ecclesia beate Marie Virginis antedicta quodque nullus fratrum admittatur ad bibliam legendam nisi prius bacullarius fuerit sententiarum Ac etiam de statuendo ut alias contulerint quod nullus omnino incipere valeat in theologia nisi prius in arte Dialectica gradum seu statum Magistri uel saltim Bacularij habuisset in predictorum fratrum iuris libertatum et consuetudinum eorundem lexionem dampnum non modicum et grauamen, Ego igitur frater Thomas Euerardi Prior fratrum predictorum sentiens me Conuentum et singulares fratres predictos ex hijs et eorum quolibet per dictos . . Cancellarium et ceteros indebite pregrauari nomine meo Conuentus et singularium fratrum Predictorum nobisque adherentium et adherere volentium in hac parte ad sedem Apostolicam cui immediate subicimur in hijs scriptis prouoco et appello et apostolos peto ac iterum peto instanter instantius instantissime cum effectu quatenus petendi fuerint in hoc casu qui si mihi denegati fuerint minus iuste iterum appello Et ne ad alia de quibus supra dicitur statuenda minus Canonice procedatur prouoco ad dictam sedem Apostolicam in hijs scriptis Supponens me Conuentum ac singulares fratres predictos nobisque adherentes et adherere volentes statum libertates consuetudines seu iura nostra predicta protectioni et tuitioni et defensioni dicte sedis. Protestor etiam me uelle has prouocationes et appellationem notificare omnibus quibus fuerint notificande et in euentum futuri grauaminis de quo verisimiliter timeo iterum appellare et eas persequi cum effectu addendi mutandi innouandi minuendi corrigendi et alibi iuris remedio in omnibus semper saluo. Lecta et interposita fuit ista appellatio in Capitulo fratrum ordinis Predicatorum Oxonie eorundem nomine . . Priore et Conuentu ad hec ibidem specialiter conuocatis Anno domini Mense, die, Indictione et Pontificatu supradictis Presentibus Thoma de Wyrghamton, Waltero de Glomorghan, Iohanne de Lee, Willelmo Marescallo, Riccardo de Hyke, Nicolao de Clere testibus ad premissa specialiter uocatis et rogatis. Secundoque lecta et notificata fuit ista appellatio in pleno loci sermone in Ecclesia fratrum ordinis Minorum predicto die celebrato Clero et populo ad audiendum sermonem ibidem congregato per fratrem Laurentium de Warwyk fratrem ordinis supradicti ac procuratorem per . . Priorem et Conuentum supradictos ad istam appellationem notificandam et innovandam coram me ac testibus supradictis specialiter constitutum Anno domini Mense, die, Indictione et Pontificatu et coram testibus prenotatis. Et Ego Iohannes Walteri de Ergham Eboracensis diocesis clericus publicus Imperiali Auctoritate Notarius premissis appellationi interpositioni et notifica-

tioni vna cum testibus supradictis presens interfui easque sicut premittitur fieri uidi et audiui et ad rogatum dictorum Prioris et fratrum in hanc publicam formam redegi meoque signo solito rogatus signaui in testimonium premissorum.

[Public Notification of the above Appeal.]

In Nomine domini. Amen. Per presens publicum instrumentum cunctis appareat euidenter quod anno domini ab incarnatione secundum cursum et computationem Ecclesie Anglicane M°.CCC.xj. Indictione X. Mensis Nouembris exeuntis die xviiij. Pontificatus sanctissimi patris et domini domini Clementis Quinti diuina prouidentia Summi Pontificis anno Sexto In mei Notarij publici infrascripti et testium subscriptorum ad hoc specialiter vocatorum et rogatorum presentia frater Laurentius de Warwik Procurator Prioris et Conuentus fratrum ordinis Predicatorum Oxonie sub tenore qui sequitur : Pateat vniuersis per presentes quod nos Prior et fratres ordinis Predicatorum Conuentus Oxonieñs . . literis duximus apponendum Datum Oxonie xiiij. kalendas Decembris Anno domini Millesimo CCC°.xj. [*ut supra* p. 251] personaliter constitutus quamdam appellationem nom[i]ne suo Prioris et fratrum predictorum in scriptis interposuit forma que sequitur continentem In dei nomine amen Cum Religiosi viri . . Prior et Conuentus ordinis Predicatorum Oxoniensium . . . signaui in testimonium premissorum [*ut supra* p. 252].

[Further pleadings of the Friars.]

Die x. Mensis Februarij prenominati fratres exhibuerunt et tradiderunt mihi Notario infrascripto quamdam cedulam Cuius tenor talis est:

Responsiones Prioris fratrum ordinis Predicatorum Oxoniensium ad ea que obiciuntur per procuratorem vniuersitatis predicte.

Ad primum quando dicitur quod fratres statuta edita per . . . Cancellarium et ceteros quorum mens supra describitur obicit et dicit quod inepta est proposicio quia de mente conque[ru]ntur non propositis uerbis cum nemo sine uoce dixisse existimetur ponens ad idem multas alias rationes:

Respondetur quod fratres non possunt obtinere uerba statutorum omnium quia custodes statutorum cum difficultate permittunt Magistros uniuersitatis uidere librum in quo continentur et in presentia eorum. Vnde et procurator predictus cum diceret coram domino Cardinali de Senis se habere verba statuti sub manu publica ac ostendisset instrumentum publicum coram predicto domino et dixisset sibi

Inaccessibility of University Statutes.

idem dominus quod traderet illud instrumentum publico Notario subscribendum cum alijs que proposuit diu distulit tradere multotiens requisitus nec adhuc tradidit quod sciamus. In secundo etiam proposito rotulo domino Cardinali nichil dicitur de mente set quod patet per patentes effectus.

Item quod dicit ad primum statutum in quo continetur quod Magistri predicti negant fratribus gratiam magistrandi in theologia quia non rexerunt in artibus obicit sibi quod verba statuti non habent hoc quod proponitur per fratres,

Respondetur quod effectus patentes ostendunt quod quilibet negat gratiam quando placet nec ponuntur verba statuti sicut superius expressum est quia verba statuti non possunt habere.

Item cum dicit non esse inconueniens quod in graciosis unus possit impedire gratiam, Respondetur quod est inconueniens fratribus et alijs quia quantumcunque fuerint digni in moribus et sciencia per predictum statutum prout eo vtuntur poterunt impedire.

Item quod dicit statutum esse obseruatum a fratribus per xl annos unde quod dicitur pro semper uidetur non esse verum.

Graces used to be freely granted, but are now denied

Respondetur quod aliquando consueuerunt concedere gratiam sine aliqua difficultate et tunc non sunt fratres conquesti vitantes turbationem Magistrorum set iam multis annis diu negata est gratia predicta unde coa[c]ti sunt fratres impetrare remedium ne possint per quemlibet impedire.

even to deserving candidates.

Item quod dicitur quod nullo digno fratri negata fuit gratia Respondit notorium est oppositum esse verum.

Item quod dicit quod fratres arguunt proprium impedimentum et non iniquitatem statuti per hoc quod iuuenes intrant ordinem antequam magistrentur in artibus Respondetur quod impedimentum non est tale quod debeat dignos retardare cuius modi sunt iuuenes qui in ordine in moribus et sciencia sufficienter instruuntur.

Item quod dicit quod fratres usi sunt statuto per xl annos Respondetur ut prius.

Friars' procedure justified.

Item quod dicitur quod non appellarunt fratres infra x dies, Respondetur quod in hoc et in quibusdam alijs procedunt per uiam querele et supplicationem in Curia quia per nullam uiam aliam possunt remedium obtinere. Nec lapsus temporis impedit quia statuta nimis rationabilia quanto diutius durauerint tanto citius sint delenda quia amplius nocuerunt.

Item quod dicit non posse subueniri per uiam querele propter lapsum temporis et assensum fratrum ac quia super quedam scripsit manu propria nomine Prioris et Conuentus et ceterorum Respondetur

quod posito set non concesso non fecit hoc de assensu Magistri ordinis ac Prioris Prouincialis[1] ad quos tunc pertinebat cum sit studium generale[2].

Item quod dicit quod causa non est in Curia Respondetur oppositum esse verum.

Item quod dicit quod destruere istud statutum est destruere studium theologie,

Respondetur substinere statutum illud est destruere studium theologie cum per hoc possunt digni repelli et indigni promoueri nec uidetur rationabile quod actus theologie que est suprema sciencia debeat per inferiores scientias regulari uel aptitudo studentium in ea per huiusmodi iudicari. Superior sciences should not be regulated by inferior.

Item quod dicit de disputationibus que vesperie dicuntur quod non narrantur vera cum dicitur quod in domo fratrum solum fieri solebant quia quilibet doctor in scolis suis vesperias suas tenere solebat, Vespers only in Friars' houses,

Respondetur quod dicti bachellarii ordinis Predicatorum semper consueuerunt fieri in domo fratrum. Nec est dictum per eos quod alij uesperias suas tenuerunt in scolis fratrum vnde nec additum est solum ut aduersarius dicit. i.e. Vespers of Friars.

Item cum dicit quod in Ecclesia est locus aptior quam locus fratrum, Respondetur quod non propter tumultum magnum vicinum et propter alias causas prius expressas. Noisiness of St. Mary's.

Item quod dicit quod particulares Scole doctorum non erant capaces pro tali actu,

Respondetur quod propter hoc non debet locus fratrum qui est aptus pro studio tali spoliari exercitio studij ad quem totus Conuentus potest accedere nec alijs utilitatibus spiritualibus ex hoc prouenientibus maxime cum propter amorem fratrum dicta consuetudo approbata fuerit a tempore cuius memoria non existit cum etiam Ius consuetudinarium quod potius est quam ius scriptum non debeat immutari[3] absque euidenti utilitate uel urgenti necessitate.

Item cum dicitur quod istud est statutum Parisius et quod fratres petant uiuere secundum statutum illius Vniuersitatis sibi ipsis sunt contrarij,

Respondetur posito quod sic fratres non petunt uiuere solum secundum vnum statutum Parisiense uel consuetudinem vnam set secundum omnia honesta et approbata.

Item quod dicit de sermonibus examinatorijs quod falsum narratur, Respondetur oppositum esse verum sicut patet notorie.

Item quod dicit non esse absonum[4] illam disputationem tenere in

[1] MS. Prouincialium. [2] i.e. a Studium Generale of the Order. See above, p. 197.
[3] MS. imutatari. [4] MS. absonam.

loco quo recipitur corona Magisterij ut habeant ibi testimonium sui laboris,

Inconvenience to Friars of preaching at St. Mary's.

Respondetur quod absonum uidetur quod fratres bachellarij qui in sermonibus sufficienter sunt examinati et omnibus alijs actibus theologie compellantur alibi predicare contra consuetudinem et auditores eorum trahere ad locum alium qui in loco fratrum consueuerant recipere multa bona spiritualia in confessionibus auditione missarum et alijs.

Their submission to Statute compulsory.

Item quod dicitur quod statutum istud per fratres approbatum est diutino usu, Respondetur quod inuite obseruauerunt per ix uel x annos quia aliter non fuissent permissi ab vniuersitate quod fuissent Magistrati in theologia quo magnum bonum studij theologie fuisset impeditum.

Various denials, reaffirmations and technical pleas.

Item cum dicitur quod nec in appellatione reductum est, Respondetur quod de eo proceditur per viam supplicacionis ut more solito uiuere possint et proficere.

Item quod dicit de lectoribus biblie ubi continetur quod nullus possit eam legere nisi prius fuerit Bacullarius uel legerit sententias quod fratres narrant falsum in hoc quod dicunt quod debet legere sententias,

Respondetur quod hoc ponitur sub disiunctione quod legerit sententias uel sit bachellarius et disiunctiua est vera cuius pars altera est uera.

Item cum dicitur quod illa lectura est excellentior et per gradus est adscendendum, Respondetur quod lectura sententiarum multum est difficilior et in uia doctrine est inchoanda a facilioribus et a fundamentis cuiusmodi est lectura biblie.

Item cum dicit quod est fallacia consequentis in disiunctiuis arguere ad alteram partem, Respondetur quod factum narratur disiunctiue nulla illatione facta sine qua impossibile est esse fallaciam[1] consequentis.

Item quod dicit quod ante istud statutum minus sufficientes et indigni legerunt bibliam, Respondetur quod non de fratribus predictis vnde puniri non debent sine culpa.

Item cum dicit de illo statuto quo Magistri actu regentes in duabus facultatibus cum maiori parte non regentium possunt statuta condere contradicentibus Magistris theologie ac Canonistis etiam Iuristis regentibus et non regentibus et cetera quod falsum est ex toto factum propositum et ideo responsione non indiget,

Respondetur quod totum quod narratur est verum et quod in statutis eorum continetur licet forte non sub istis verbis quod Magistri duarum facultatum actu regentium cum maiori parte non regentium

[1] MS. fallacia.

possint statuere per quod contigit uel contingere potest quod contradicentibus theologis et Iuris peritis ad quos principaliter pertinet condere statuta per inferiores moribus et scientia statuta fiant ancilla dominante propter votorum multitudinem et domina ancillante.

Item de eo quod statuitur quod Magistrandi iurabunt seruare status et consuetudines vniuersas vnde discretiores vota statuta obseruant inuite quorum vota secuntur fratres et quod post appellationem factam ad Curiam statutum est quod quicunque debet habere statum bachellarij uel Magisterij in quacunque facultate iurabit et cetera quodque dicit quod de hoc non prosecutum est in appellatione fratrum,

Respondetur quod post appellationem factam statutum istud est editum et fratres appellauerunt a statutis preiudicialibus preteritis et prosecuti sunt alia prout exigit ordo Iuris.

Item cum dicit quod si tale sit statutum sanum est et a Iure approbatum, Respondetur quod hoc posito est tamen[1] fratribus multum dampnosum ut alibi dictum est et ideo petitur quod remedium adhibeatur.

Item cum dicitur de modo statuendi quod Magistri non habent tempus sufficiens ad deliberandum et cetera quod dicit falsum esse totum quod proponitur, Respondetur quod effectus notorius probat oppositum.

Item cum dicit in appellatione eorum non est deductum, Respondetur posito quod proceditur per viam supplicationis.

Item cum obicit quod appellatio est deserta per lapsum temporis, Respondetur oppositum patet esse uerum per publicum instrumentum in hijs a quibus est appellatum.

Item cum dicit quod nec per viam querele aliqua in Iudicio deducere possunt quia pars in Curia non est,

Respondetur quod pars est in Curia cum ipse ostenderit procuratori coram domino Cardinali de Senis et tanquam procurator comparuit coram domino papa et venerabili Collegio dominorum Cardinalium.

Item cum obicit quod in omnibus propositis deducitur alienum interesse in iudicio et cetera,

Respondetur quod proprium interesse deducitur et si forte alienum deducatur hoc sit ad informandum Curiam quantum malum sequitur ex factis eorum ut corrigantur et hoc possunt facere fratres ut videtur cum sint pars Vniuersitatis ad quam malum totius redundat multipliciter.

Item cum obicitur quod consuetudo fratribus prodesse non potest cum non inducant aliquam sufficientem per quam ius possit acquiri si quantumcunque[2] fuit ex consensu maioris partis Vniuersitatis recessum est,

[1] MS. tum. [2] MS. quantum.

Respondetur quod consuetudo sufficiens inducitur quia utilis honesta et approbata ab Vniuersitate a qua non debuit recedi sine causa ut predicitur.

Quantum ad grauamina allata, quod dicit ad primum secundum et tertium quod non sunt illata grauamina quia legitime moniti alijs ipsius Vniuersitatis statutis non litigiosis et indubitatis parere contempserunt Ideo Vniuersitas executa est statutum suum,

Respondetur quod paruerunt statutis non preiudicialibus quantum secundum iura rationabiliter tenebantur nec est appellatio deserta quia legitime prosecuta.

Item quantum ad petitionem quod obicit quod male infertur ex primis propositis cum per viam litigij etc̃ non petentes Iustitiam set exemptionem etc̃, Respondetur aliter esse sicut patet in supplicatione proposita coram domino Cardinali.

Item cum obicit quod extra ordinem non est subueniendum etc̃ ex hoc enim generaretur[1] scandalum et locus inuidie pararetur quia iustum est secundum legem ubi par similisque militia est omnes eisdem legibus regulari,

Respondetur quod ex ordine Caritatis et Iustitie procedit supplicatio cum petitur quod iniuste depressi releuentur hoc enim non generat scandalum aut inuidiam immo gratiam et laudem bonis quibus precipitur frequenter in testu biblie iuste iudicare et misericorditer operari ne reprobi insolescant et probi exemplo malo deficiant ex timore par similisque militia debetur coniunctis eisdem legibus set non in omnibus quia status diuersorum non patitur in omnibus paria substinere et mouere debet bene ut uidetur sanctitatem Summi Pontificis ad concedendum id quod a fratribus Parisius obtinetur quia modus uiuendi eorum qui omnibus studere volentibus expedit post diligentem discussionem determinatus est per istam sanctam sedem nec est inhonesta petitio quod fiat gratia in diuersis locis cum Christus misericors et miserator dominus cuius vices gerit Sum[m]us Pontifex suum Clementie[2] vniuersis prebuerit opera sua per misericordiam et Iustitiam varie venustando nec dictum est paulo sufficit eis una gratia quibus pluries contulit prout patet.

Item non expedit ad inquirendum veritatem super predictis statutis et alijs quod examinatio ac consumatio fiat in Anglia ut in supplicatione aduersarij petitur propter rationes contentas in supplicatione fratrum maxime cum dominus Archiepiscopus Cantuariensis excommunicauerit ad supplicationem Magistrorum vniuersitatis predicte omnes illos qui resistunt Magistris predictis quo minus statuta ab eis

[1] MS. gravaretur. [2] *Desideratur* donum.

edita suam habeant firmitatem : quod si commissio fiat ad inquirendum super statutis predictis et alijs ut notitia verborum etiam haberi quod multum uidetur expediens possit, confirmatio eorum per eos fieri non debet ut uidetur ex quo principalis causa est in Curia quam sanctissimus pater sum[m]us Pontifex uult clementer et iuste audire et determinare et si placet quod commissio fiat super inquirenda veritate de statutis omnibus utinam placeat quod inquiratur de omnibus grauaminibus illatis post apellationem factam quia multa sunt hic omissa et magna ne aures domini pape et dominorum Cardinalium prolixitate nimia grauarentur.

Item quod respondetur ad addita et correcta in secunda cedula primo cum dicitur statutum de sui natura irrationabile,

Respondetur et dicitur per Priorem predictum quod minus [1] bene utuntur illo statuto etiam supposito et non concesso quod statutum sit rationabile sicut per priora patet.

Item cum dicit quod fratres consenserunt statuto illi tam tacite quam expresse Respondetur sicut prius.

Item cum dicitur quod gratia modo conceditur sicut omni tempore solet, Respondetur quod non quia alias concesserunt faciliter modo negant uel cum difficultate concedunt.

Item cum dicitur quod non creditur dominum Summum Pontificem dixisse se uelle causam in Curia tractare etc̃, Respondetur quod uoluntas domini Summi Pontificis patebit per effectus varios graciosos.

Item cum iterum petit quod causa remitatur in Angliam quia multi sunt ibi qui Vniuersitati in nullo propter se nec alios sunt astricti etiam domini Cardinalis,

Respondetur quod fratres nullos tales Iurisperitos nouerunt nec creditur quod domini Cardinales ibi maneant tanto tempore quod possint causam discutere.

Item quod dicitur quod graue esset Vniuersitati pauperi in Curia Romana uel alibi litigare cum nullos habeat redditus,

Respondetur quod fratres multo sunt pauperes grauibus debitis obligati quos cum intollerabilibus iniurijs et aduersitatibus depressos oportet certare usque ad mortem pro iustitia in Curia cum causam alibi nequeant attinere [2] vnde supplicant humiliter dicti fratres sibi iustitiam fieri et gratiam in premissis et alijs quibus clementissimo et sanctissimo patri domino Summo Pontifici ad augmentationem fidei et bonorum morum pro quo laboriose querunt artum victum misericorditer uidebitur expedire.

[1] MS. minis. [2] MS. ettinere.

[Notarial Certificates of Copy.]

Et ego Pax quondam Guidarelli de Ciuitate Castelli clericus publicus Imperiali auctoritate Notarius predicta omnia acta habita et actitata coram Reuerendo patre domino Ricciardo sancti Eustachij Diacono Cardinali prout in Regestro Magistri Guillielmi notarij suprascripti inueni ita hic in hijs decem petijs de pergameno transcripsi nil addens uel minuens quod sensum mutet uel intellectum nisi forte punctum uel silabam et de licentia ipsius Guillielmi in hanc publicam formam redegi et in iuncturis eorum signum meum apposui consuetum in testimonium premissorum.

Et Ego Guillielmus Toringhelli clericus Lucanus publicus Apostolica et Imperiali auctoritate notarius et dicti domini Cardinalis Scriba acta predicta omnia habita actitata coram predicto domino Cardinali prout in Regestro ipsius domini Cardinalis de uerbo ad uerbum scripseram ita hic per Pacem notarium predictum in istis decem petijs pergameni simul sutis et in iuncturis earum meo et dicti Pacis signo signatis transcribi feci et quia facta collatione de dicto regestro ad hanc copiam ipsam concordare inuenimus ideo me subscripsi et signum apposui consuetum.

ADDITIONAL DOCUMENTS.

(I.)

Archbishop Reynolds to the University, 1313

(Reynolds, f. 33.)

Walterus permissione diuina Cantuariensis Archiepiscopus totius Anglie primas dilecto filio venerabili viro Magistro Henrico de Barclay Cancellario Universitatis Oxoniensis Sacre Pagine Professori salutem benedictionem et gratiam saluatoris Regis Pontificis[1] qui pacem voluit nuntiari. [Cuius] benedicte Natiuitatis exordio excitamur exemplo ut in nostre nunc sublimationis principio exsoluentes pastorale debitum et legati[onem] [ecclesie] totius Anglicane adimplere officium studeamus et quamuis omnes homines bone uoluntatis pacem memoratam[2] inquirere, nos tamen d[icto] studio

[1] MS. postificis. [2] MS. memoriam.

studiosius prossequi convenit et perducere ad perfectionem. Etenim anima in querendo[1] fit sciens et minus inde oculus p . . . Ut igitur inter vos et religiosos viros fratres ordinis predicatorum Oxonie concordia reformata refloreat et concrescat continuis incrementis fratres predictos uobis graciis et favoribus quibus ignis (?) caritatis congerie accendatur amicabiliter quesumus astringatis specialiter autem vestre dilectioni duximus supplicandum quatenus nobis in Christo dilectum patrem Walterum de Valepont ordinis antedicti scientia et moribus approbatum ad gradus scholasticos suorum maiorum iudicio merito exponendum cuius quoque cupimus commodum et honorem non obstante quod in universitate non legerit[2] sententias ad legendum bibliam biblice ad nostram affectuosam instantiam et precum nostrarum primicias ista vice de speciali gratia admittatis tale nobis responsum placidum prestolantes per dominum Thomam de London nostrum clericum intimantes ut reddamur merito promptiores. Illud nec quod gratiose[3] eidem fratri ut optamus duxeritis concedendum arbitrio nuper super hoc edicto ullum[4] preiudicium potest generare. Valete semper in Christo et eius matre gloriosa. Datum apud Chercham quinto Kalendas Maii MCCCXIII.

(II.)

Bond to observe Arbitrators' Award, 1313.

[*Endorsed*] Indentura Fratrum Predicatorum de submissione vniuersitati[5].

(University Archives, Y 8.)

Tenore presencium pateat vniuersis quod nos . . . Cancellarius et cetus Magistrorum vniuersitatis Oxoniensis vnanimis ex parte vna et Religiosi viri Prior et fratres ordinis predicatorum Oxonie ex altera, ob submissionem Londoniis nuper factam Nonis Nouembris Anno domini M°CCC^mo terciodecimo sub forma et pena inibi contentis hinc et inde plenius obseruandam, cauciones ducentarum librarum sterlingarum in manus religiosorum virorum . . . Prioris et conuentus sancte Fredeswide Oxonie nomine pene per quamlibet parcium nostrarum exponi expresse consensimus et eciam die beati Clementis pape et martiris anno superius annotato exposuimus cum effectu. Volumus igitur et per presentes mutuo nos obligamus quod si contingat quod absit alteram parcium nostrarum secundum formam submissionis

[1] MS. questando. [2] MS. legit. [3] *sic.* [4] MS. nullum.

[5] A modern hand has added 'Anno MCCCXIII.' The seal is missing.

predicte ordinacioni dicto laudo arbitracioni seu diffinicioni discretorum virorum in eadem submissione nominatorum seu maioris partis eorumdem ut promisimus non parere alteri parcium nostrarum parenti cum effectu vtriusque parcium cauciones antedictas dicti Prior et conuentus sancte Fredeswide vel eiusdem prioris vices gerens et eiusdem loci conuentus sine difficultate tanquam commissas quas eciam eo ipso commissas esse volumus libere restituant intrepide tradant et liberent indilate absque cuiuscumque contradiccione inpedimento aut reluctacione quacumque, forma et modo submissionis prefate dumtaxat in omnibus obseruatis. In cuius rei testimonium presenti scripto tripartito indentato sigilla nostra communia apposuimus vna cum sigillo domini . . . prioris sancte Fredeswide prenotati quod ad euidenciam huius rei pleniorem procurauimus apponi. Datum Oxonie viii° kalend' Decembris anno domini superius memorato.

(III.)

Royal Confirmation of the Arbitrators' Award, 1314.

(Patent Roll, 7 Edw. II, part 2. memb. 10.)

Rex omnibus ad quos &c. Salutem. Inspeximus tenorem cuiusdam submissionis et compromissionis factarum super questionibus controuersiis et contencionibus inter Cancellarium et Magistros vniuersitatis Oxoniensis ex parte vna et fratres de ordine predicatorum in eadem villa ex altera exortis sedandis et pacificandis in hec verba: Omnibus pateat per presentes quod cum nuper occasione quorumdam statutorum per discretos viros. . . . Cancellarium et Magistros vniuersitatis Oxoniensis Lincolniensis diocesis super statuto per ipsos de sermonibus examinatoriis omnium bachalariorum in facultate theologica tam secularium quam religiosorum qui fiunt antequam huiusmodi bachalarii in facultate supradicta magistrentur et super statuto de disputacionibus que vesperie nuncupantur que inmediate precedunt antequam bachalarii incipiant legere in facultate predicta in maiori ecclesia beate Marie Oxonie faciendis, necnon super statuto bachalariorum ad lecturam biblie biblice legende in vniuersitate antedicta admittendorum, super eciam iamdiu edito eiusdem vniuersitatis statuto quo cauetur quod in sacra pagina nullus valeat cathedram conscendere magistralem nisi prius in artibus Magister extiterit aut super hoc a prefatis Cancellario et Magistris gratiam consequatur cui gratie concedende vt ipsi fratres affirmant vnus Magistrorum ipsorum si ei placeat potest impedimentum prestare, Item super statuto quod ha-

Compositio facta inter Cancellarium et Magistros vniuersitatis Oxoñ et fratres predicatores eiusdam ville.

Inspeximus of terms of Reference.

betur ibidem quod quicquid Magistri in duabus facultatibus actu regentes cum maiori parte non regencium vniuersitatis eiusdem iudicauerint statuendum pro statuto perpetuo censeatur, Item super statuto quod ad Magistratum vel bachalariatum in facultate quacumque nullus admittatur nisi prius de obseruandis statutis et consuetudinibus prefate vniuersitatis prestitit corporaliter iuramentum, super eciam dicte vniuersitatis statuendi modo defectiuo vtpote quantum ad numerum statuencium et ad temporis breuitatem [in quo] cuiusmodi statuta edi debent, Item super statuto quod quilibet qui bachalariatus vel Magisterii in facultate quacumque consequetur honorem iurare tenetur quod nunquam iuuabit ope consilio vel fauore quemquam aduersantem vniuersitati prefate, Item super expulsione Magistri ipsorum fratrum fratris scilicet Hugonis de Sutton a congregacionibus Magistrorum et quod bedelli vniuersitatis ei non sunt obsecuti vt debebant, Item super non admissione fratris Rogeri de Baketoñ ad Magisterium et fratris Ricardi de Hunteleye ad legendum sentenciarum librum, Item super non admissione fratrum ad opponendum et respondendum, De quibus in rescripto apostolico venerabilibus patribus Londonensi[1] Wygornensi[2] ac Landauensi[3] Episcopis in hac parte directo plenior fit mencio, inter religiosos viros Priorem et fratres ordinis predicatorum Oxonie ex parte vna et predictos Cancellarium et Magistros vniuersitatis prelibate ex altera fuisset materia discordie et contencionis exorta ac per querelam eorumdem religiosorum ad sedem apostolicam perducta et sanctissimo in christo patri et domino domino Clementi diuina prouidencia pape V^to^ exposita qui episcopis supradictis per apostolica scripta mandauit vt ipsi intra certi temporis spacium ad concordiam partes reducerent memoratas et alia facerent que in dicto rescripto apostolico plenius sunt contenta, Cumque partes supradicte coram predictis Episcopis seu eorum commissariis auctoritate apostolica in hac parte procedentibus in ciuitate Londonensi certis diebus et locis comparuissent et ibidem negocium memoratum aliquamdiu agitassent placuit partibus memoratis tandem pro bono pacis et tranquillitatis perpetuis futuris temporibus optinendo omnes controuersias dissensiones et contenciones predictas per viam compromissi seu amicabilis composicionis sedare et negocium supradictum absque strepitu iudiciali terminare, Nos fratres Lucas et Radulphus procuratores dictorum religiosorum Edmundus et Antonius procuratores dictorum. . . . Cancel-

Reference to certain Bishops by Clement V.

[1] Gilbert de Segrave.

[2] Walter Maidston. As a Canon of York he had been sent on a mission to the Roman Court in 1312. *Reg. Clem. V*, An. vii. No. 8823 (p. 312).

[3] John de Monmouth, S.T.P.

larii et Magistrorum vniuersitatis prelibate sufficientem potestatem a sepedictis dominis nostris in hac parte ad infrascripta optinentes scienter et voluntarie et non per errorem in venerabilem patrem dominum Johannem dei gratia Landauensem Episcopum Magistrum Gilbertum de Middeltoñ canonicum Lincolnensem fratres Petrum de Kenynton et Thomam Euerardum electos constitutos assumptos et ordinatos communiter a nobis tanquam in arbitros et arbitratores laudatores diffinitores seu amicabiles compositores sponte compromittimus et consentimus. Et super omnibus questionibus controuersiis dissensionibus et contencionibus memoratis laudo diffinicioni arbitrio seu ordinacioni predictorum J. Landauensis. Episcopi G. de Middeltoñ[1] P. de Kenyngton et T. Euerard vel maioris partis eorumdem predictos dominos nostros nos eorum nomine et vnanimi consensu alte et basse submittimus quod si aliqui vel aliquis predictorum arbitrorum seu arbitratorum supradictorum interesse noluerit seu nequiuerit per partem religiosorum dictorum fratrum frater Johannes de Wrotham nunc Prior Londonensis loco fratris Thome Euerard predicti absentis et frater Lucas de Wodeford doctor sacre Theologie loco fratris Petri de Kenyngton pretacti absentis per partem vero vniuersitatis Magister Robertus de Clothale in ecclesia sancti Pauli Londonie cancellarius loco predicti domini Episcopi Landauensis absentis et Magister Adam de Orleton[2] doctor in iure canonico loco predicti Magistri Gilberti absentis subrogetur. Damus etiam et concedimus predictis quatuor arbitris et arbitratoribus laudatoribus diffinitoribus seu amicabilibus compositoribus et loco aliquorum vel alicuius eorum modo dicto subrogatis seu subrogato et maiori parti eorumdem plenam et liberam potestatem vt ipsi super premissis omnibus et singulis de plano sine strepitu iudiciali et figura iudicii iuxta discrecionem eis a deo datam arbitrentur laudum proferant ordinant et diffiniant citra Pascha proximo futurum vtque parte absente vel presente vbicumque quandocumque qualitercunque eis videbitur expedire. Volumus eciam et concedimus quod quicquid ab eis modo dicto arbitratum fuerit ordinatum seu diffinitum in premissis per curiam domini Regis et per Curiam domini Lincolniensis ac Curiam domini Cantuariensis seruandum perpetuo confirmetur, Promittentes etiam dictos dominos nostros et nos eorum nomine ratum et gratum habituros quicquid arbitratores seu amicabiles supradicti compositores arbi-

Submission to Arbitrators.

The award to be confirmed by Courts of Canterbury and Lincoln.

[1] Received a prebend of St. Paul's from the King in 1318.

[2] Became Bishop of Hereford in 1317, of Worcester in 1327, and of Winchester in 1333; died 1345. For his legal writings see Tanner, *Bibl. Brit.-Hib.* (1748), p. 562.

tr[ati] fuerint diffinierint et ordinauerint in premissis et eorum ordinacionem arbitrium laudum dictum seu diffinicionem eis prolatum omologare et approbare ac perpetuo seruare et in nullo contrauenire. Promittimus insuper nomine dominorum nostrorum quod contra huiusmodi ordinacionem arbitrium laudum dictum seu diffinicionem non appellabimus nec appellaciones prosequemur, nullum rescriptum vel priuilegium per nos vel alios impetrabimus nec impetratis vtemur, nullam excepcionem opponemus, restitucionem in integrum non petemus nec huiusmodi ordinacionem arbitrium laudum dictum seu diffinicionem corrigi vel emendari per superiorem vel aliquem iudicem petemus, et quod non vtemur cuiuscumque legis vel canonis priuilegiis statuti vel consuetudinis benefic[io] quod confirmare vel viciare valeat huiusmodi compromissum seu arbitrium in totum vel in parte siue ex personis dictorum arbitrorum siue ex personis compromittencium siue ex forma compromissi vel arbitrii sive ex causis de quibus est compromissum sive quacumque alia ratione. Nos eciam fratres Lucas de Wodeford et Radulphus de Seton dictorum fratrum procuratores renunciamus specialiter sponte absolute et ex certa sciencia appellacionibus ad sedem apostolicam interpositis ac litibus seu controuersiis quibuscumque premissorum occasione motis seu mouendis appellacionum licium seu controuersiarum prosecucionibus literis apostolicis et aliis quibuscumque et earum omnium effectu impetratis in hac parte et impetrandis in contrarium arbitrii ordinacionis laudi dicti seu diffinicionis premissorum. Volumus insuper nos procuratores parcium predictarum et expresse concedimus ac eciam nomine dominorum nostrorum supradictorum sollempniter promittimus quod si contingat quod absit aliquem parcium predictarum seu aliquem alium earum auctoritate vel mandato arbitrio laudo seu ordinacioni per predictos arbitratores seu amicabiles compositores vel per maiorem partem eorumdem in hac parte prolate stare nolle vel in aliquo contrauenire seu impedimentum aliquod in premissis prestare, ipsam partem arbitrio laudo seu ordinacioni predictorum arbitrorum stare nolentem seu in aliquo contrauenientem teneri et efficaciter obligari in ducentis libris sterlingorum pene nomine parti alteri stare volenti et arbitrium laudum seu ordinacionem acceptanti intra duorum mensium spacium a tempore prolacionis predicte numerandum sine diminucione seu contradiccione qualibet persoluendis. Volumus eciam et ad maiorem predictorum securitatem nomine dominorum nostrorum antedictorum concedimus quod ab vtraque parcium predictarum cauciones ad valorem predicte pecunie summe in manibus religiosorum virorum. . . . Prioris et Conuentus Sancte Fredeswyde Oxonie tradantur et penes eos saluo custodi-

Renunciation of Appeal.

Security to be given for observance.

antur quousque tempus duorum mensium superius limittatum transactum fuerit, et post hujus temporis lapsum parti arbitrium laudum seu ordinacionem acceptanti et eisdem stare volenti sine contradiccione aliqua tanquam comisse liberentur cum constiterit dictis religiosis Priori et Conuentui Sancte Fredeswyde per literam dictorum arbitrorum seu maioris partis eorumdem alterutram parcium predictarum premissis ordinacioni laudo dicto et diffinicioni eorumdem non parere et ipsos in aliquo non seruare. Quod si constiterit per literas dictorum arbitrorum vel per ipsarum parcium vel procuratorum legitimorum earumdem simul existencium assercionem vtramque partem eisdem ordinacioni laudo seu diffinicioni parere cum effectu et ipsos vt premissum est obseruare, extunc teneantur iidem.... Prior et Conuentus Sancte Fredeswyde vtrique partium cauciones ab eis receptas sine difficultate liberare, Et nos procuratores predicti iuramus corporaliter prestito sacramento in animas dominorum nostrorum quod ipsi omnia premissa et singula obseruabunt, Renunciantes specialiter autentice determinus posite in Codice sub titulo de Arbitris que prohibet arbitrium fieri cum sacramenti interposicione. In testimonium vero premissorum omnium ad certitudinem presencium et memoriam futurorum nos arbitri supradicti presens instrumentum publicum seu processum per Gilbertum de Lutegarshale notarium subscriptum qui omnibus actis subscriptis vna nobiscum presens interfuit scribi et publicari mandauimus et sigillorum nostrorum appensione muniri. Acta et data sunt hec Londonie Nonis Nouembris Anno domini Millesimo trecentesimo terciodecimo. Inspeximus eciam ordinacionem arbitrationem diffinicionem et laudum facta per prefactum Landauensem Episcopum et predictos Gilbertum de Middelton Petrum de Kenyngton et Thomam Euerardum in hec verba: In dei nomine Amen. Cum nuper inter religiosos viros . . . Priorem et Conuentum domus fratrum predicatorum Oxonie ex parte vna et discretos viros dominum . . . Cancellarium et Magistros vniuersitatis loci eiusdem occasione quorumdam statutorum per ipsam vniuersitatem variis temporibus editorum in eadem perpetuo tenendorum materia discordie et contencionis fuisset exorta ac ad querelam et prosecucionem eorumdem religiosorum per appellacionem ad sedem apostolicam vt dicebatur productam et sanctissimo in Christo patri et domino domino Clementi diuina prouidencia pape V^to^ fonti iusticie et pacis zelatori exposita idem dominus papa per apostolica scripta sub forma inferius contenta reuerendis patribus dominis dei gratia... Londonensi Wijgor et Landauensi Episcopis de consensu parcium predictarum electis iubendo mandauit vt ipsi intra certi temporis spacium per ipsum papam statutum vel per eosdem

Inspeximus of Arbitrators' Award.

Episcopos de consensu parcium prorogatum ad pacem et concordiam partes reducerent memoratas et alia facerent que in dicto suo rescripto apostolico plenius sunt contenta, Cumque partes supradicte coram predictis Episcopis seu eorum Commissariis auctoritate apostolica in hac parte procedentibus in Ciuitate Londonie certis diebus et locis citate comparuissent, et ibidem negocium memoratum aliquamdiu agitassent, placuit demum partibus memoratis litis amfractus dampna expensa et interesse que et quas de facili possent in hac parte incurrere omnino euitare, et pro bono pacis et tranquillitatis perpetuis futuris temporibus optinendo omnes controuersias dissensiones et contenciones predictas per viam compromissi seu amicabilis composicionis sedare et negocium supradictum absque strepitu iudiciali et figura iudicii terminare et finem ponere in eodem. Tandem discreti viri Magistri Edmundus de Mepham et Antonius de Beke in sacra Theologia bachalarii procuratores dictorum domini . . . Cancellarii et Magistrorum vniuersitatis Oxonie ex parte vna, et religiosi viri fratres Lucas de Wodeford sacre Theologie professor et Radulphus de Seton in sacra Theologia bachalarius fratres de ordine fratrum predicatorum procuratores tenentes locum Prioris Conuentualis fratrum predicatorum Oxonie et eiusdem loci Conuentus ex altera mandata ad infrascripta ex vtraque parte sufficiencia habentes vt inferius plenius poterit apparere, in causa super dissensionibus contencionibus et controuersiis predictis inter partes easdem occasione statutorum predictorum per dictos dominum Cancellarium et Magistros vniuersitatis Oxonie editorum exortis tam in Curia Romana tempore predicti sanctissimi in Christo patris domini Clementis diuina prouidencia pape V^ti^ quam coram judicibus a sede apostolica delegatis in Anglia aliquamdiu vt premittur ventilata de consensu parcium predictarum expresso arbitrio diffinicioni dicto laudo composicioni et ordinacioni nostrorum Johannis permissione diuina Landauensis Episcopi Gilberti de Middeltoñ Canonici Londonensis fratris Petri de Kenyngtoñ et fratris Thome Euerardi fratrum de ordine predicatorum prestito ab eisdem procuratoribus et eorum quolibet in animas dominorum suorum et suas ad sacrosancta dei Ewangelia iuramento corporali de parendo et stando super premissis dissensionibus contencionibus et controuersiis nostris diffinicioni composicioni arbitracioni dicto laudo et ordinacioni et de eisdem obseruandis vnanimi consensu suo et dictorum dominorum suorum nomine sub certa forma in scriptis redacta de qua inferius plenior fit mencio alte et basse se submiserunt et in nos tanquam in arbitros arbitratores laudatores diffinitores ordinatores seu amicabiles compositores ad dictam causam sine strepitu iudiciali et figura

iudicii per viam compromissi seu amicabilis composicionis finaliter terminandam totaliter compromiserunt. Unde nos Johannes Landauensis Episcopus Gilbertus Londonensis Canonicus et nos fratres predicatores Petrus et Thomas supradicti per partes predictas electi constituti assumpti et ordinati compromissarii arbitratores diffinitores ordinatores laudatores et amicabiles compositores onus in prefata causa super dictis statutis arbitrandi ordinandi diffiniendi et amicabiliter componendi ad dictam causam finaliter terminandum et cuiuscumque dissensionis materiam inter partes predictas occasione statutorum predictorum exortam amputandam in nos sponte suscipientes de plano sine strepitu iudiciali et figura iudicii iuxta discrecionem a deo nobis datam inuocata Spiritus sancti gratia processimus in hunc modum: videlicet, Super statuto de disputacionibus que vesperie nuncupantur que inmediate procedunt antequam bachalarii incipiant legere in Theologica facultate que dum fratres ordinis predicatorum ad huiusmodi magisterium promouentur in eorumdem tantummodo fratrum predicatorum domibus Oxonie fieri consueuerunt ac ex statuto vniuersitatis eiusdem a duobus annis citra edito ad maiorem ecclesiam beate Marie Virginis transferuntur, ordinamus arbitramur diffinimus et laudum seu dictum nostrum proferimus quod dictum statutum in suo robore integre permaneat sicut prius nichil addito vel detracto. Item super statuto vniuersitatis eiusdem quo cautum erat quod sermones examinatorii omnium bachalariorum tam secularium quam religiosorum qui fiunt antequam huiusmodi bachalarii in facultate Theologica magistrentur qui in ipsorum fratrum predicatorum vel fratrum ordinis minorum domibus fieri consueuerunt per statutum vniuersitatis ipsius a duodecim annis citra editum ad predictam ecclesiam beate virginis transferuntur, ordinamus arbitramur diffinimus et laudum seu dictum nostrum proferimus quod dictum statutum in sua firmitate permaneat, Hoc adiecto quod nichilominus quilibet bachalarius vniuersitatis supradicte postquam legerit sentencias in vniuersitate Oxonie predicabit vnum sermonem aliquo die dominico in domo fratrum predicatorum antequam magistretur in Theologica facultate quem diem assignabit ille vel illi ad quem vel ad quos in vniuersitate hujusmodi assignacio sermonum pertinet. Volumus eciam et firmiter inhibemus nos arbitri predicti ad instanciam fratrum predicti ordinis predicatorum ne quicquam dictis fratribus predicatoribus a sic predicante predicto conferatur clam vel palam occasione sermonis predicti et ad hoc dictus bachalarius per iuramentum astringatur. Item de statuto vniuersitatis quo prohibetur quod nullus in Oxoniensi studio legat bibliam biblice nisi

Statute about Vespers confirmed.

And about Sermons.

But every B.D. shall preach one Sermon in the Dominican Church.

Preacher to pay nothing to the Friars.

Statute about not lecturing

prius fuerit bachalarius in Theologica facultate, ordinamus arbitramur diffinimus et laudum seu dictum nostrum proferimus quod statutum predictum maneat in eodem statu quo nunc est per Magistros vniuersitatis concorditer ordinatum. Item super illo statuto vniuersitatis predicte ab olim edito quo cauetur quod in sacra pagina nullus magistretur nisi prius in aliqua vniuersitate in artibus Magister extiterit aut super hoc a prefatis Magistris gratiam consequatur quam gratiam quilibet Magister actu regens negat et impediat cum sibi placuerit, ordinamus arbitramur diffinimus et laudum seu dictum nostrum proferimus quod ..... stet, Ita videlicet quod quilibet Magister statim gratia petita teneatur iurare ad sacrosancta dei ewangelia corporaliter tacta vel in virtute iuramenti prius prestiti dicat quod huiusmodi gratiam petitam non negabit ex malicia odio vel odii fomite aut rancore set solummodo pro communi vtilitate vel honore vniuersitatis supradicte si eam negare contingat. Quod si hoc iuramento non obstante ab aliquo huiusmodi gratia negetur, causa negacionis huiusmodi in eadem Congregacione Magistrorum coram Cancellario et procuratoribus vniuersitatis et Magistris actu regentibus in Theologia statim exprimatur et infra decem dies proximo subsequentes vel pauciores pro arbitrio vniuersitatis discuciatur vtrum causa illa sit sufficiens vel insufficiens. Que causa negacionis memorate si sufficiens fuerit iudicio Magistrorum tunc actu regencium in Theologia vel maioris partis eorumdem maneat gratia petita non concessa, si autem causa negacionis gracie sic petite insufficiens a predictis Magistris actu regentibus in Theologia vel maiori parte eorumdem videatur, eo ipso gratia sit concessa. Item ordinamus insuper arbitramur diffinimus et laudum seu dictum nostrum proferimus quantum ad modum statuendi obseruandum in vniuersitate Oxonie predicta perpetuo futuris temporibus obseruandum quod nichil ab eisdem Magistris de cetero statuatur nisi prius articulorum vel articuli super quo vel quibus esset statuendum in scriptis proponatur vel proponantur publice in Congregacione generali omnium Magistrorum actu regencium et detur copia illorum articulorum in scriptis vni Magistro de singulis facultatibus ad plenius et sufficienter deliberandum infra quindecim dierum spacium ad minus super eisdem, Et tunc post quindecim dies ad minus in alia congregacione ad statuendum quod vtile videbitur vniuersitati predicte procedatur. Ita tamen quod nullum statutum fiat nisi de assensu Magistrorum trium facultatum quarum vna sit facultas artium vel maioris partis Magistrorum in tribus facultatibus actu regencium ad minus vna cum assensu maioris partis Magistrorum non regencium. Et diligenter fiat collacio numeri

on Bible before B.D. confirmed

As also the requirement of M.A. before B.D.

But every Regent to swear that he will not maliciously obstruct graces.

And if a grace is refused, cause to be shown before Chancellor, Proctors, and Regents in Theology, who shall pronounce upon their sufficiency.

No statute to be made without previous promulgation and copy handed to representatives of superior Faculties.

A statute must be passed by majority in three Faculties, of which

Arts must be one, and the Non-Regents.

The Friars' Schools to be recognised.

Royal confirmation.

ad numerum assenciencium vel dissensiencium in predictis. Et vt cuiuslibet dissensionis materia inter partes predictas amputetur pacisque tranquillitas perpetuo conseruetur, ordinamus arbitramur diffinimus et laudum seu dictum nostrum proferimus quod fratres predicatores Oxonie liberas habeant scolas in domo suo quantum ad lectiones disputaciones et determinaciones, Ita quod nec per statutum aut per ordinacionem imposterum facienda seu per modum alium quemcumque imposterum inducendum impediantur quominus predictos actus vel eorum aliquem in scolis suis valeant excertere. Nos autem submissionem et compromissionem predictas necnon predictam ordinacionem arbitracionem diffinicionem et laudum rata habentes et grata pro nobis et heredibus nostris quantum in nobis est approbamus concedimus et confirmamus in forma supradicta. In cuius &c. Teste Rege apud Ely vij die Aprilis—per breue de priuato sigillo.

(IV.)

Proxy from the Friars Preachers for their submission to the University, 1320.

Commissio a fratribus ordinis Prædicatorum concessa quibusdam procuratoribus transigendi controuersiam inter ipsos et Vniuersitatem. Anno 1320. [So endorsed.] (University Archives, Y 9.)

Pateat vniuersis per presentes quod Nos Frater Thomas de Westwell prior ordinis Fratrum predicatorum Oxonie et eiusdem loci conuentus dilectos nobis in Christo confratres nostros, fratres Petrum de Kenygtonia, Lucam de Wodeford, Willelmum de Ebrytonia sacre theologie doctores et Johannem de Wrotham in tractatu amicabili causa seu negocio qui que uel quod vertitur super quibusdam controuersiis et dissencionibus inter nos ex parte vna et discretos viros dominum . . . Cancellarium et Magistros vniuersitatis et ipsam vniuersitatem ex altera co[n]iunctim et diuisim et quemlibet eorum in solidum quociens nos abesse uel adesse contigerit ita quod non sit melior condicio occupantis seu occupancium set quod vnus per se aud simul plures ipsorum inchoauerint ceteri aud aliquis eorumdem prosequi valeant seu valeat et finire, de consensu et autori[ta]te Fratris Johannis de Bristollia prioris nostri prouincialis et in ipsius presencia procuratores nostros facimus ordinamus et constituimus per presentes, dantes eisdem et eorum cuilibet generalem potestatem et mandatum speciale nomine nostro tractandi summarie de plano bona fide et absque strepitu iudiciali super omnibus et singulis

controuersiis dissencionibus et querelis quibuscumque hactenus inter nos seu quemlibet nostrum et dominum . . . Cancellarium Magistros et vniuersitatem supradictos habitis nunc uel quibuscumque temporibus retrolapsis componendi et eciam transigendi, iuramenta tam de calumpnia quam de veritate dicenda et quodlibet aliud genus liciti sacramenti in animas nostras prestandi. Et specialiter arbitrio nuper per venerabilem patrem Dominum Johannem dei gracia Landauensem episcopum et Reuerendos viros Magistrum Gilbertum de Midelton, Magistrum Petrum de Kenygtonia sacre theologie professorem et Thomam Euerard Fratres ordinis predicatorum interposito et omnibus ordinacionibus et confirmacionibus apostolicis et quibuscumque aliis inter nos hucusque factis ac eciam inpetratis et inpetrandis occasione dissencionum huiusmodi vel aliorum quorumcumque articulorum ante nunc qualitercum[que] subortorum et omnibus aliis arbitriis inter nos et eosdem Dominum . . . Cancellarium Magistros et vniuersitatem in hac parte qualitercumque habitis vna cum supradictis Cancellario et vniuersitate renunciandi, Alium procuratorem seu procuratores substituendi et substitutum vel substitutos reuocandi et omnia ac singula faciendi sine quibus pax et concordia quas desideramus in domino nequiuerit fieri aud plenius confirmari, eciam si mandatum specialius exigant in premissis quam superius est expressum. Ratum vero ex nunc habemus et habituri sumus in posterum quicquid idem procuratores nostri coniunctim seu quiuis eorum diuisim aud substitutus vel substituti ab illis seu aliquo eorundem duxerint seu duxerit faciendum in premissis et quolibet premissorum. In quorum omnium premissorum testimonium sigillum comunitatis nostre presentibus est appensum. Dat. Oxonie iij. Id. Decembris Anno domini Millesimo Tricentesimo vicesimo.

PART IV.

NOTES

ON

THE JEWS IN OXFORD.

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A HISTORY of the Jews in Oxford before the expulsion cannot be written at present, and will perhaps never be possible even when all documents of the Record Office and of local archives may be to hand. It will always remain fragmentary. From Hebrew sources we have nothing to expect[1]. With the documents at our disposal we can only give scattered notes drawn from various published Rolls, and from Anthony Wood's works on the City and the University of Oxford, the City part of which will soon be accessible in its entirety by the excellent edition of the Rev. Andrew Clark, who has just issued for the Oxford Historical Society a first volume. But even Wood left gaps for want of documents, and we cannot ascertain from him the exact position of the two Jewries, which must remain doubtful until the exact positions of the tenements of Oxford in old time are more defined[2].

[1] Some Hebrew documents are mentioned to have been destroyed during a fire in Oxford, St. Ebbe's Street, which occurred on Tuesday the 27th of February, 1844, at half-past two in the morning. The Oxford University, City and County Herald, Saturday, March 2, 1844, p. 8, says as follows:—'The articles of jewellery, etc., which had been collected from the ruins, together with several documents, chiefly in Hebrew, were carefully handed over to Mrs. Jacobs in the presence of Rabbi Levi and another Jew.' These documents were probably some modern ones, marriage contracts, or registers of births and deaths, and not of the pre-expulsion date, and are probably still kept in the family of Mrs. Jacobs. It is worth noticing that, according to the above mentioned Herald (p. 5 *d*), a Hebrew Bible, which the Jews held in particular veneration, as it had been consecrated by the High Priest (more likely a chief Rabbi?), was amongst the property consumed in this conflagration.

[2] See A. Wood, Survey of the Antiquities of the City of Oxford. Ed. Clark, i. p. 617.

The plan of our necessarily incomplete sketch is the following. We discuss first the early settlement of the Jews in England, by giving the opinions of all those who have attempted to deal with this subject. We then give chronologically all that is known concerning the Jews in Oxford, from Wood, Prynne[1], Tovey[2], and more especially from the latest works on Oxford town and University by the late Mr. J. R. Green[3], Mr H. C. Maxwell Lyte[4], and the Rev. C. W. Boase[5], from which we often quote *verbatim*. It is useless to put known facts in a new dress, if the older descriptions are satisfactory. Finally, we give the documents, as far as they were accessible to us, in which names of Oxford Jews occur. Here we have to acknowledge the kind help of the Revs. C. W. Boase, A. Clark, W. Dunn Macray, Mr. Joseph Jacobs, and Mr. F. Madan, of the Bodleian Library.

The latest historians on Oxford agree[6] that the Jews settled in this town soon after the Conquest, when William brought them over from Normandy. If, however, the canonical laws to be found in the *Liber Pœnitentialis* of Archbishop Theodore of Canterbury (669 A.D.) are not a mere reproduction of older Councils without any practical use for his own time, we must believe that Jews were settled even then in England. They are the following:—

xvi. 35. 'Si quæ Christiana fæmina a perfidis Judæis munera suscipit, ac cum eis voluntarie fornicationem fecerit, annum integrum separetur ab ecclesia, et cum magna tribulatione vivat; deinde ix. annos pœniteat.'

xxx. 4. 'Si quis contempserit Nicenæ Synodi concilium, et fecerit Pascha cum Judæis xiiii. lunæ, exterminabitur ab omni ecclesia, nisi pœnitentiam egerit ante mortem.'

xlii. 1. 'Si quis Christianus a perfidis Judæis azima eorum accipit,

[1] A short demurrer to the Jews, etc. London, 1656.
[2] Anglia Judaica. Oxford, 1738.
[3] Stray Studies from England and Italy. London, 1876, p. 336 *sqq.*
[4] A History of the University of Oxford from the earliest times to the year 1530. London, 1886.
[5] Historic Towns, Oxford. London, 1887.
[6] Boase, Oxford, p. 23.

vel alium quemlibet cybum, vel potum, et communicat impietatibus eorum, xl. dies cum pane et aqua pœniteat; quia scriptum est: *Omnia munda mundis, coinquinatis autem et infidelibus nihil est mundum, sed omnia sunt communia.*'

xlii. 3. 'Si quis Christianus Christianum hominem, quamvis servum proprium, in manu Judæorum vel gentilium vendiderit, ac per hoc, separatus ab ecclesia catholica, Christianitatem suam perdiderit, ille non est dignus inter Christianos requiem habere, donec redimat eum,' etc.

Egbert, Archbishop of York (735–766), incorporated some of these laws in his *Excerptiones*; they are the following:—

cxlvii. 'Ut nullus Christianus judaizare præsumat, sed nec convivis eorum participare.'

cl. 'Si quis Christianus Christianum hominem in manum Judæorum vel gentilium vendiderit, anathema sit; in Deuteronomio enim scriptum: *Si deprehensus fuerit homo sollicitans aliquem de genere Israhel et vendito eo acceperit pretium, interficietur.*'

cli. 'Nefas igitur est, ut quos Christus sanguini sui effusione redemit, Judæorum vel gentilium vinculis sint irretiti.'

We are not inclined to believe with Prynne that these documents are spurious, but they may be a pious insertion from the Acts of other Councils without practical purpose[1]. Of course, a third document, quoted from Ingulph, which would show that Jews could acquire land in England before the year 833, is generally considered spurious, and we are astonished that this book is still quoted as authentic in a German dissertation of 1885[2]. There we read that King Witglaff of Mercia grants in 833 to the monks of Croyland in the following words:—

'Omnes terras et tenementa, possessiones et earum peculia, quæ prædecessores mei Reges Merciorum et eorum proceres vel alii fideles Christiani vel Judæi dictis monachis dederunt, vendiderunt vel invadiaverunt, aut aliquomodo in perpetuam possessionem tradiderunt[3].'

[1] Freeman, History of the Norman Conquest, 1874, t. v. p. 818.

[2] Dr. S. Goldschmidt, Geschichte der Juden in England in xi. and xii. Jahrhundert. Berlin, 1886, p. 4.

[3] Hist. Abb. Croyl. in Rer. Angl. Script. veteres, i. p. 9.

Finally, the law, known as that of Edward the Confessor, and confirmed afterward by the Conqueror; where it is said [1]—

'Sciendum est, quod omnes Judæi, ubicunque in regno sunt, sub tutela et defensione regis ligie debent esse, neque aliquis eorum potest subdere se alicui diviti sine licentia regis; quia ipsi Judæi et omnia sua regis sunt. Quod si aliquis detinuerit eos vel pecuniam eorum, rex requirat tanquam suum si vult et potest proprium.'

This law is established rather under William (and perhaps even later) than under Edward [2].

Basnage [3] mentions that the Jews were expelled from England at the beginning of the eleventh century (1020), but he does not give his authority for it. In the *Annales Inisfalenses* for 1062 [4] it is said that two Jews came over sea to Ireland, having presents for Fairdelbach, and they were expelled again over sea.

This is all that can be found and said of Jewish settlement in the United Kingdom before the time of the Conqueror.

It is probable [5] that the Jews came to Oxford up the river from a previous settlement at Wallingford, where Jews are mentioned [6]. We know that there were at Oxford both a great and a little Jewry (Judaismi), their exact position not being yet quite fixed.

'Their tenements extended,' says Mr. Boase [7], 'along Fish Street [now St. Aldate's] to the present Great Gate of Christ Church, with a large compass of ground behind, along the North side of the great Quadrangle, and the South side of Peckwater, and further east, with St. Edward's Church in the centre of the buildings. The earliest stone houses were probably due to them, just as at Lincoln; and at Oxford nearly all the larger houses, which were afterwards converted into halls, bore traces of Jewish origin in their names, such

[1] Leges Conf. c. 30.

[2] Freeman, History of the Norman Conquest, 1874, v. p. 819.

[3] Hist. des Juifs. Ed. 1716, I. xii. p. 334.

[4] O'Conner, Rerum Hibernicarum, ii. p. 81. To this passage Dr. Whitley Stokes drew our attention.

[5] Boase, Oxford, p. 23.

[6] See e.g. the Sixth Report of the Hist. MSS. Commission, fol. 576*b* and below, p. 283.

[7] Boase, Oxford, p. 23.

as Moysey's, Lombard's, and Jacob's Hall. The Guildhall itself was owned, in Henry III's time, by Moses the son of Isaac, from whom it is supposed to have come to the King by escheat, and he gave it to the citizens by his charter of February 18, 1228–9.'

As we know that in 1177 the Jews obtained in Oxford a burial-ground (for at first all the Jews had to be taken to London for burial[1]), we must conclude that they were of importance in number as well as in wealth, which they could scarcely have reached under a century of residence in Oxford. This cemetery was without the East gate, where the tower and south side of Magdalen now stand; afterwards this was transferred to the opposite side of the road, in the present Botanic Gardens, where a mass of human bones was dug up in 1642[2]. We know also that Oxford Jews had an exchequer[3], and a chest[4] for their deeds[5], and, naturally, a synagogue in Fish Street, on land obtained from the canons of St. Frideswide's, by Copyn, a Jew, of Worcester. Neither the church nor the city bailiffs had power over them; they were the king's chattels without the right of citizens. The synagogue was called the 'school,' just as in Spain, Italy, and Germany.

It is reported that about 1141 the Jews, who inhabited St. Martin's Parish and elsewhere in Oxford, gave to Empress Maud an 'exchange' of money, and afterwards to King Stephen three exchanges and a-half more, with all the goods of an outlawed and apostate Jew, to save their houses from incendiaries, which the said King had placed in divers parts of the city; and he had before burnt the dwelling-house of Aaron,

[1] See below, p. 284.

[2] Boase, Oxford, p. 24.

[3] Dr. C. Gross' article on the Exchequer of the Jews in England in the Middle Ages (papers read at the Anglo-Hist. Exhibition). London, 1888, p. 196.

[4] Ibidem, p. 187.

[5] Called usually *Shetar* שטר (plural *Shetaroth*) or anglicized *Shetars*, which represent Hebrew deeds of all kinds, and which were considered legal in English Law Courts (see Hebrew Deeds of English Jews before 1290, edited by M. D. Davis, London, 1888, pp. v and vi). 'When a debt was paid, the Jew wrote out a *Shetar* (Starrum), on presenting which to the custodians of the Chest the debtor received the counter-chirograph duly cancelled' (Dr. Gross 'On the Exchequer,' etc. p. 1867). Hence, as is well known, the Star-chamber, where Shetars or 'Stars' were kept.

the son of Isaac, a Jew[1]. The Jews' Hills or the Jews' Mounts seem also to have been erected by the Jews, 'because they interposed the Castle and the King's Palace in Beaumont, where King Stephen lay when the Empress Maud was besieged therein[2].'

We quote another document concerning this epoch, although no authority exists for it. Wood says as follows:—

'The restitution charter of the priory of St. Frideswyde's, by Maud the Empress and King Stephen in the beginning of his raigne, maketh mention of the land, "quæ malger tenuit" . . . Besides I find another knowne by the name of Boken Hall; and, immediately after the Conquest, Doilley's Inn, owned or built by Robert D'Oilly who came in with the Conqueror; with others. The two last of which, standing near the house of Aaron, the son of Isaac, a Jew that was burnt because the owner denied payment of money to King Stephen, was for that reason totally deserted by the scholars thereof[3].'

Soon a quarrel occurred between the Jews and the Priory of St. Frideswide.

'The prior, Philip (1180–88), complained of a Jew called Deus-eum-crescat [in French Dieulecresse or Dieulecret, a translation of the Hebrew name Gedaliyahu, *hu* taken as a pronoun, but we shall find[4] also Dieulecresse as the name of Solomon, son of Mossey, the Jew of Wallingford], who stood at his door as the procession of the saint passed by, mocking at the miracles wrought at her shrine. Halting and then walking firmly on his feet, showing his hands clenched as if with palsy, and then flinging open his fingers, the mocking Jew claimed gifts and oblations from the crowd who flocked to St. Frideswide's, on the ground that such recoveries of limb and strength were quite as real as any Frideswide had wrought[5].'

It may be well to give here the Latin text from the *Acta Sanctorum*[6], and collated with the MSS[7]. from which the printed text is derived.

[1] Wood, Annals, i. p. 148.

[2] Wood, City, etc., ed. Clark, i. pp. 216 and 217. Wood's words seem to us unintelligible.

[3] Ibidem, ii (not yet published), pp. 81 and 82.

[4] See below, p. 283. [5] Green, Stray Studies, p. 338.

[6] Bruxellis, 1853, t. viii. p. 576.

[7] Digby, No. 177. fol. 12*b* (see Macray's Catal. p. 190). The collation was made by Mr. George Parker, senior assistant in the Bodleian Library.

39. 'Nec silentio prætereunda est ultio, quam Dominus in quodam Judaicæ pravitatis homine in ipsa civitate Oxenefordiæ, nocte sequenti, Virginis suæ vindicavit injurias. Judeus quidam, *Deus-eum-crescat* vocabulo, (sic enim orationibus, loco propriorum nominum utuntur Judei) filius Moysi de Walingeford, hominis minus quidem ceteris Judeis detestandi, nefandissimo spiritu agitatus, Christianæ plebis insultans devotioni, verbis blasphemis virtutes divinas irridebat, derisive manus contrahens, post aperiens, pedibus prius claudicans, postmodum recte incedens. Sicque se, æque ut Frideswidam nostram, virtutes facere posse jactitabat, et ideo sibi sicut et ipsi donaria conferenda et oblationes dicebat esse faciendas. Unde factum est, ut et sinistra plebs fidelis imprecaretur, quod et effectu prosequente postea declaratum est. Ad mensam denique patris sui residens et blasphemias exaggerans, a patre graviter correptus, ab incepto desistere noluit, asserens nihil posse Frideswidam, nec virtutes ejus sibi esse formidini. Tandem cum indignatione maxima pater ei imprecatus est, ut locum sibi post centum annorum spatium deputatum mox obtineret. Ad hanc vocem aliquantulum conquievit blasphemus, et non multo post interjecto tempore in accidiam delapsus, tamquam mente alienatus totus animo consternatus est: id nimirum agente Dei providentia, ut qui in reprobum sensum datus fuerat, Sathanæ satellitibus traderetur. Invitatus ad cœnam a patre, respuit, vivendi tædio affectus, et circa suæ mortis accelerationem sollicitus. Cum ergo nocte succedente labores diei noctis quies recrearet, intempestæ noctis silentio surgit infelix e lecto, coquinam patris ingreditur, et ne funestum, quod animo conceperat, impediretur propositum, ostium cera interius signavit. Laqueum zona qua præcinctus erat ministrat, quam trabi et collo circumligans, in hoc Judæ proditori similis, tali suspendio vitam finivit infelicem. Et in hoc revera res admiratione digna monstrata est, quod corigia delicata tanti corporis molem tanto libravit tempore. Mane facto, pater de filio sollicitus, filium quærit, diu quæsitum non inveniens, tandem coquinæ ostium effringens, suspensum invenit. Hac tremefactus visione, secreto complices suos vocat, ne in publicum hujusmodi casus prodiret, sed Christianæ plebi potissimum celaretur. Et sicut patres eorum resurrectionis Dominicæ gloriam frustra supprimere conati sunt, sic et ultionis divinæ districtionem incassum plebs impia studebat occultare, quia quod Dei virtus et sapientia manifestat, humana celare nequit astutia. Hujus rei fama repletur ilico civitas, fidelibus ingerit lætitiam infidelium confusio. Magnificatur in Virgine sua Salvator, dum nec eam impune lacessiri permisit injuriis. Cum

autem, sicut moris est, ut Londoniis sepulturæ traderetur corpus detestandum in reda deferetur, numerosa canum multitudo latratibus cadaver prosecuta est more canino, blasphemo funeris exequias exhibens. Testati sunt viri fide dignissimi, quod in medio postmodum itinere, rota quadrigæ confracta, cadaver in terram corruit, et tam ex sua ponderositate quam casus vehementia collum, ex quo verba blasphema prodierant, in ipso casu confractum est, et merito: quoniam ex adipe prodierat ejus iniquitas, et in affectum cordis transierat. Et quia Deum blasphemiis irritaverat, et in excelso[1] locutus est mortis, quam sibi propria manu paraverat, infelici genere, vitæ exemptus, dupplici contritione conteri meruit, in diem perditionis reservatus, et ad diem ultionis ducendus cum eis, qui a se Dei scientiam reppulerunt, qui gratis odio Deum habuerunt.

'But no earthly power, ecclesiastical or civil, ventured to meddle with Deus-eum-crescat[2].'

Before speaking of another feud in a later period we have to mention that in 1222 a deacon was accused of having submitted to circumcision for the affection he had to a Jewish woman. He was degraded, committed to the secular power and burnt[3]. We quote the following text from the *Annales Monastici*, iv, p. 62.

'In eodem concilio præsentatus est quidem diaconus qui pro amore cujusdam mulieris Judææ abnegando Christianitatem diutius aposta-[ta]verat, et se ritu Judæorum fecit circumcidi; super quo convictus, primo degradatur, sæculari judicio condemnatus, igne conbustus est. Dicebatur quod idem apostata in contemptum Redemptoris nostri et fidei catholicæ, corpus Dominicum de ecclesia furtive sublatum in loco ignobili proiicere non abhorruit, quod postea, prodente quodam Judæo, ad corroborationem fidei Christianæ inventum est inpollutum et incorruptum, in vase quodam mundissimo, angelicis manibus, ut eam credi poterit, præparato.'

It is possible that other cases of conversion to Judaism occurred previously in Oxford[4], and in order to counteract

[1] Marg., excelsum.

[2] Green, Stray Studies, p. 338.

[3] Council of Oxford in the Annales Monastici, t. ii. p. 296; iii. p. 75; and iv. p. 62.

[4] Wood, Annals, i. p. 329, makes mention of the Jews enticing the young scholars and the children of the inhabitants to be of their religion.

them the Dominicans came to Oxford in 1221, and established themselves in the very heart of the Jewish colony, on a tenement close to St. Edward's, granted to them by the Countess of Oxford and the Bishop of Carlisle. There they made a humble Oratory, with a small cemetery adjoining, and there they opened a school which was called St. Edward's School, from the name of the parochial church. Conspicuous success attended their labours within the twenty-five years of their residence at Oxford. So many Jews were baptized that the King found it worth while to establish a house for the reception of converts in Fish Street, on the site of the present Town Hall[1].

In the year 1235 certain Jews of Oxford were imprisoned for taking away a young baptized Jew convert, but were released by the King as innocent[2].

In 1244 the clerks of the town invaded the Jewry in force, and sacked the sumptuous houses of their creditors. Forty-five of the rioters were consequently committed to prison. In 1248 the King forbade the Jews to exact more than forty-three per cent. interest for loans to scholars. The Jews at that time and until 1262[3], when the St. Frideswide's Chest, and other funds for granting loans to poor students were established, were the only money-lenders at Oxford, and they had considerable dealings with the clerks throughout the reign of Henry III. Although, as we have seen, the rate of interest in their case had been specially limited by the King, many misunderstandings used to arise, and the Chancellor was often called upon to decide between the Jewish and Christian creditors. The Constable of Oxford Castle however, in 1260, took upon himself to call in question the Chancellor's authority over the Jews, contending that they did not form a part of the ordinary community of the town. In this contention the

[1] Maxwell Lyte, History of the University of Oxford, p. 26. See below, p. 316. See also the lists of converts in Prynne's Record, I. ii. pp. 835–840.

[2] Tovey, Anglia Judaica, p. 168. See also Papers read at the Anglo-Jewish Hist. Exh. i. p. 157.

[3] Maxwell Lyte, *op. cit.* pp. 58, 59.

townsmen were chiefly actuated by a desire to humiliate the Jews. Anyhow the controversy was settled in favour of the Chancellor, with the full consent of the King [1].

A most deplorable incident occurred in the year 1268, on Ascension Day, when a procession of clergy and townsmen went to hear the public sermon, preached by the Chancellor of the University. In their going or returning [2] towards the cemetery of St. Frideswide, a certain Jew [3], encouraged by others of his profession, made a sudden attack on the cross-bearer, and snatching the cross from him, trod it under foot. The King condemned the Jews to make a heavy silver cross for the University to carry in procession, and to erect another of marble on the spot where the crime was committed, viz. in front of their synagogue. The Jewry was shielded by fear of the Crown from any burst of popular indignation, and even the penalty was remitted, and a less offensive place than the front of the synagogue was allotted for the cross in an open plot by Merton College.

In the year 1286 King Edward, out of his special favour to the scholars of the University of Oxford, granted their Chancellor jurisdiction to hold plea of all personal actions and contracts between the scholars and his Jews, and to imprison or excommunicate them, as well as others, by warrants sent to the Sheriff, or Constable of the Castle of Oxford, by his Patent [4].

This is all we can give concerning the privileges and persecutions of the Oxford Jews; later on we shall give some documents on their transactions in land property, and also on the fines they had to pay.

On one point we disagree from all the historians of Oxford Jews. We cannot subscribe to the flattering words concerning the importance of English Jews with relation to secular learn-

[1] See further on.

[2] Wood, History, etc. i. p. 273. Mr. Maxwell Lyte says 'when going'; Mr. Boase 'when returning.'

[3] Mr. Maxwell Lyte says 'a number of Jews.' See Athenaeum, March 5, 1887.

[4] Prynne, Records, iii. p. 363, where the Latin text is given.

ing, expressed by late historians. Mr. Boase[1], in agreement with the late J. R. Green[2], says as follows:—

'The Jews were the capitalists of the middle ages; it was their loans that enabled Castle and Abbey and Cathedral to be built or restored . . . But the Jews did more than lend money or build stone houses, for with the Jewish settlement began the cultivation of physical science. Some students could learn Hebrew; and the Hebrew books which he found among the Rabbis were the means by which Roger Bacon penetrated to the older world of research. A medical school which we find established in the twelfth century can hardly have been other than Jewish.'

That students could learn Hebrew from the Jews in Oxford will not be denied, and some possibly profited by this advantage. There were amongst these English Jews grammarians, although no writing on this subject is known to have been composed by an English Jew, if we except Moses, the son of Isaac, son of Coutissa, who, according to our opinion, did not write in England at all. Exegetical passages are quoted from Berechiah of Nichol (Lincoln), Benjamin of Canterbury, and some others; but no entire commentary is known to have been composed by an English Jew. In casuistical matter they were better off, although only one work, by Jacob, son of Judah Hasan of London, 1267[3], is known. It was conjectured[4] that Hagin, son of Dieulecresse, was the translator of the *Image du monde*, and that Berechiah, son of Natronai, who is the author of a free translation in Hebrew of some fables, similar to those of Marie de France, was a resident in Oxford[5]. The conjecture concerning Hagin may be ingenious, but it stands as a mere conjecture. As to Berechiah, it would be evident that he lived in England, and

[1] Oxford, p. 25.

[2] Stray Studies, etc. p. 339.

[3] See Dr. H. Adler's article on the Chief Rabbis of England (Papers read at the Anglo-Jewish Exhibition). London, 1888, p. 276.

[4] Ibidem, p. 270.

[5] Joseph Jacob, in the important preface, which forms a volume by itself, to his edition of The Fables of Æsop, as first printed by William Caxton in 1484, etc. (two vols., London, 1889), i. p. 176.

even in Oxford, if he were identical with Benedict le puncteur mentioned in a roll. But the identification of these two names is not made on firm ground, a point which we shall discuss elsewhere [1].

As to science, there is no trace of its cultivation in France and Normandy in the eleventh, twelfth, or even thirteenth century. The chief studies were those relating to religious purposes, but mathematics were not necessary for religious matters, except the calculation of the calendar which was already fixed [2], and as to medicine, there were surgeons amongst the Jews for the operation of circumcision, who could perhaps also undertake light cases of surgery, but in general the Jews applied to Christian physicians in grave cases, and in minor cases they had recourse to popular medicine and to superstitious cures [3]. As to translations of works of science from the Arabic into Hebrew, they only began towards the second half of the twelfth century in Spain and Provence, and no such translation according to our knowledge reached Paris or Normandy, and consequently not England, where the Jews were dependent upon the French Schools for their learning [4]. Thus Roger Bacon could have learned nothing from Hebrew books, since they did not exist in England. When he speaks of the enigmatical Jew, Andreas, who helped Michael Scot in his translations from the Arabic, it does not mean that he saw any translations of Andreas. It is true that some travellers from Spain visited England. Abraham ibn Ezra was in

[1] Jewish Quarterly Review, April number, 1890.

[2] We know of only one treatise on this subject, by Jacob son of Samson, a French Jew. See our Catalogue of the Hebrew MSS. in the Bodleian Library, 1886, No. 692-7, (col. 137).

[3] See Dr. M. Güdemann's, Geschichte des Erzichungswesen und der cultur der abendländischen Juden während des Mittelalters und der neuen Zeit, ii. (Wien, 1880, p. 198.) The epithet רופא 'physician' (Hebrew Deeds, etc., No. 132, p. 274), where the word is erroneously read יופי, applies to a Christian.

[4] It would seem from the Jewish Deeds, where most of the Christian names are given in the French form (see M. D. Davis, Hebrew Deeds, etc. p. x), that the Jews in England conversed amongst themselves in the Franco-Norman dialect. At all events they could not read or write in Latin; their signatures are all in Hebrew.

London in 1158, and Joseph, son of Baruch, in 1211, when he induced many English to go on a pilgrimage to the Holy Land; but they had no translations to bring with them[1], for the simple reason that these were only in their infancy; and moreover the English as well as the French Jews, both of whom had only the study of the Bible and the Talmud at heart, would not have read them even if they could have procured them. We must apply the law of *suum cuique*, and only give the Jews in Oxford and in England credit for the learning which they could acquire from their French brethren, with whom they remained in constant connection, and whose schools they frequented; and even there they did not produce works of importance, since none are quoted by their brethren in France.

DOCUMENTS,

IN CHRONOLOGICAL ORDER AS FAR AS POSSIBLE,

IN WHICH JEWS OF OXFORD OR THOSE WHO HELD TENEMENTS IN OXFORD ARE MENTIONED.

I. *Archeological Review*, ii. 6, p. 400 (30), communicated by Mr. Joseph Jacobs from Pipe Rolls. Josc [?] of York renders 26 marks from Oxford.

II. *ib.* p. 401 (38 *a*). 26 Henry II, Oxinef., A. D. 1176. Beleasez, a Jewess of Oxford, owes £100 for having respite in the plea between her and the clerk of the court of Ferrars.

III. *ib.* p. 401 (35). 26 Henry II, London, A. D. 1176. Abraham, a Jew of Coventry, owes one mark to be quit of the appeal of Beleazes.

IV. *ib.* p. 402 (54). 29 Henry II, Oxford (M. i. 233), A. D. 1179. The Sheriff renders count of 3 marks of Regina the Jewess for the debt which Walter of Westbury owed her and one mark . . .[2] for the debt which Ralph of Chinton and William son of Richard owed her. He has paid into the treasury in two tallies, and is quit.

[1] He lost on his way a translation of Judah hal-Levi's philosophico-theological treatise, written in Arabic with the title of *Khozari*. See M. J. Jacob's paper on the London Jewery (Paper read before the Anglo-Jewish Exhibition, p. 110).

[2] . . . means omissions of words not strictly necessary.

V. *ib.* p. 403 (73). 34 Henry II, Oxinef., A.D. 1184. Benjamin and Josce and Deulecresse, sons of Benjamin, owe 2 marks of gold for having their reasonable parts of debts and chattels of their father.

VI. *Pipe Roll.* Rich. I, 1189–1190. Lond. 1844, p. 110. Joscius filius Beniamin de Oxinefordia debet x. marcas de misericordia sua pro auro inuento quod emit sine assensu Justiciariorum.

VII. *ib.* p. 109. Rich. I, 1189–1190. Idem Ricardus filius Mein debet i. marcam pro habenda eadem loquela in Curia Regis ad Scaccarium Benedictius et Joscius et Deulecreisse Judei filii Beniamin debent ii. marcas auri pro habenda rationabili parte sua de debitis et catallis patris sui.

VIII. *ib.* p. 44. Rich. I, 1189–1190. Slema Judea de Sancto Edmundo debet xx. marcas pro recto de debitis et vadiis suis. Jurnet Judeus de Norwico debet vi. marcas pro recto de xxx. libris versus Beniamin de Oxinefordia.

IX. *Archeological Review*, ii. 6, p. 406 (118). 3 Rich. I, Oxcimf., A.D. 1192. Jacob, Jew of Winton, owes £50 of the £100 which Ursell the husband of Drua his daughter gave Drua herself in dowry before she can have those £100.

X. *ib.* p. 405 (106). Rich. I, 1192–95. Of the debts of Aaron are enumerated in the Rolls 3–5 Rich. I. 7, debts at Oxford.

XI. *Exchequer Q. R. Misc. Jews*, $\frac{556}{2}$, A.D. 1194.[1] Recepta denariorum facta apud Westm' de promisso Judæorum totius Anglie facto apud Northampton post reditum domini Regis ab Alemannia[2] intermissa in termino pasche anni quinti ejusdem de m. m. m. m. m. mille marcis.

Oxonia.

De Beleaser[3] ł filius suis ixłi ł ixvš de promisso suo. De eisdem xłi pro eodem. De eisdem vij łi pro eodem.

De Benefei de Oxenef[ord] xlš pro eodem.

De Benedicto le puintur[4] xxvj š ł viij đ pro eodem. De eodem vš ł vj đ pro eodem.

[1] Communicated to us by Mr. Black of the Record Office.

[2] Mr. Joseph Jacobs (Fables of Æsop, i. p. 176) says, when Richard returned to captivity.

[3] Belasez (?).

[4] According to the opinion of Mr. E. Crump of the Record Office. Mr. Jacobs reads 'pointeur.' It could also be read 'poniteur,' there being three minims between the *o* and the *t*.

De Jacob de Wirecestr' xiij s ℔ iiij ₰ pro eodem.

XII. *Rotuli Curiæ Regis*, vol. i. London, 1835, p. 289. May, A. D. 1199. Northampton. Alexander filius Ricardi versus Samuelem Judeum de Oxonia de placito debiti. per Jordañ.

XIII. *Brit. Mus. Harl.*, Ch. 84 *D.* 15. Temp. Ric. I (?); see *Anglo-Jewish Hist. Exhibition*, 1887, Catalogue, p. 183, 3. Covenant by which William filius Gregorii assigns to Biddlesdon Abbey, co. Bucks, the rent of a mill, with certain lands in his manor of Finmere, co. Oxon.; which lands he had pledged to Belasez, the Jewess of Oxford, for £32; on condition that the Abbey should hold the lands and pay the interest, till he should have repaid the debt. Witnesses: William, Prior Sancti Augusti de Burston (Bristol, Bristow?), Geoffroy de Larder, Will. fil. Helis, Will. de Ghend, Nic. de Scaldeswelle, and others, *Latin*.

XIV. *Rotuli de Liberate.* London, 1844, p. 13. 3°. Johann. A. D. 1201.

Baron de scaccario. Rex etc. Computate Willelmo Briwerr' L. marcas quas liberavit in camera nostra de fine suo pro terra et herede Radulphi Murdac anno regni nostri primo apud Vernol, si eidem illas L. marcas non computastis, et preterea computate eidem xxix. marcas, x. solidos, iiij. denarios, quos liberavit in camera nostra apud Alnewic de presentatione Ysaac Judei de Oxonia, si denarios illos ei alias non computastis. Teste me ipso, apud Porč xj. die Maii.

XV. *Rotuli de Finibus*, Lond. 1835, p. 236. An. 6°. Johann. A. D. 1204. Jacobus Judeus Oxon' habet litteras domini Regis super Ricardum de Estre de x. libris cum lucro per cirographum. Capiatur ad opus domini Regis de qualibet libra j. bisant.

XVI. *ib.* p. 236. An 6°. Johann. A. D. 1204. Jacobus de Oxonia habet litteras domini Regis super Reginaldum de Muntford' et Evam uxorem ejus de vj. marcis cum lucro.

XVII. *ib.* p. 296. An. 7. Regis Johannis, A. D. 1205. Jacobus filius Samuel de Oxonia habet litteras super Fulconem Painel de iiij. libris cum lucro quas ipse ei debet. Capiatur de qualibet [libra] j. bisant.

Idem habet litteras super Emmam de Wik' de centum solidis cum lucro quos ei debet. Capiatur de qualibet libra j. bisantius.

XVIII. *Rotuli Litterarum Clausarum*, vol. i. 1833, p. 107. An. 9°. Johann. A. D. 1207. Rex Willelmo de Warenn et sociis suis Custodibus Judeorum etc. Mandamus vobis quod quietum esse faciatis Rogero Waspail de usuris debitorum que debet Simoni Judeo Oxoñ ab hoc instanti Paschate anno regni nostro ix° usque ad Pascha

proximo sequens, et interim ei respectum habere faciatis de predictis debitis. Teste Domino Norwic. apud Clarend. xxj. die Marc.

XIX. *ib.* p. 163 *b.* 15°. Johann. A. D. 1214 . . . . . quod assignetis dilecto et fideli nostro Willelmo Briwere unam de domibus Judeorum in Oxonia in recompensacione domus sue Wyntonie. Teste me ipso apud Mansy . . . . . .

XX. *ib.* p. 286. 18°. Johann. A. D. 1216. Rex Vicecomiti Oxon'. etc. Scias quod dedimus Willelmo filio Widonis vacuam placeam que fuit Bonechose et Deulecresse Judæorum in Oxonia. Et ideo tibi precipimus quatinus ei inde plenariam sasinam habere facias. Teste me ipso apud Oxoniam v. die Septembris.

XXI. *ib.* p. 351 *b.* 2 Henry III, A. D. 1218.

De domibus Judeorum pro Priore de Sancta Fretheswitha. — Rex Vicecomiti Oxon salutem. Precipimus tibi quod de domibus Judeorum in Oxonia quas dominus Johannes Rex pater noster dedit pro voluntate sua et que Judei tenebant in feodo de Priore et Canonicis Sancte Fretheswithe reddendo inde eis redditum annuum, habere faciatis eisdem Priori et Canonicis redditum suum quem recipere solent et debent per annum antequam predictus Rex pater noster illis dedisset. Domos vero illas que sunt eorundem Prioris et Canonicorum in eadem villa et quas ipsi Judei de eis tenebant per locationem de anno in annum pro voluntate predictorum Prioris et Canonicorum eis in pace habere permittas. Quia etc. Teste ut supra [Teste Com. marescallo.]

XXII. *ib.* p. 354 *b.* 2 Henry III, A. D. 1218.

pro Willelmo de London' nepote domini Dublin'. — Rex Priori Sancte Frethewithe salutem. Sciatis quod bone memorie Johannes pater noster dedit Willelmo de London' nepoti venerabilis patris nostri H. Dublin' Archiepiscopi terram et domos que fuerunt Deulecress et Bonechose Judeorum in Oxonia cum omnibus pertinentiis suis. Et nos eandem donacionem ratam et gratam habemus. Vobis etiam mandamus quatinus servicium quod ad nos pertinet de eisdem domibus de eodem Willelmo capiatis. Quia vero etc. Teste Com' maresc. apud Wigorniam xiij. die Marc'.

XXIII. *ib.* p. 359 *b.* 2 Henry III, A. D. 1218.

De Judeis custodiendis — Scribitur Hugoni de Vivon et Vicecomiti Oxon de Judeis Bristollie et Oxonie tradendis in custodiam xxiiij^{or} burgensium eo modo quo superius scribitur Vicecomiti Gloucestrensi. Teste Comite apud Oxoniam xxvij. die Aprilis.

XXIV. *ib.* p. 399. 3° Henry III, A.D. 1219.

De domibus Judeorum. { Rex Majori et Prepositis Oxon' salutem. Precipimus vobis quod sine dilatione plenam saisinam habere faciatis Ph. Marc de domibus que fuerunt Bonechose Judei Oxon' quas dominus Johannes Rex pater noster dedit Galfrido Luterell ut dicit cujus filius et heres est in custodia ipsius Ph.

XXV. *ib.* p. 567. 7° Henry III, A.D. 1223, 1222. *Memb.* 29.

Rex Vicecomiti et Majori Cantuarie salutem. Ostenderunt nobis Judei nostri Lincolnie quod occasione precepti venerabilium patrum S. Cantuariensis Archiepiscopi et Episcopi Lincolniensis facti de Judeis ne quis eis victualia vendat nec communam habeat cum eis non[1] inveniunt aliquem qui eis aliquid vendat. Et ideo vobis precipimus quod visis litteris istis precipi et clamari faciatis ex parte nostra in Bailliva vestra quod vendantur eis victualia et alia necessaria, et si quem inveneritis qui eis deneget victualia et necessaria alia vendere in civitate Lincolñ et alibi illum capiatis et corpus ejus salvo custodiatis, donec aliud inde precepimus. Teste H[uberto de Burgo] etc., apud Westmonasterium x die Novembris.

Eodem modo scribitur Majori et Prepositis Oxonie de Judeis Oxon. et Baillivis de Norwico de Judeis Norwicensibus.

XXVI. 2 Henry III, A.D. 1217.

From St. Mary Magdalen College, Dorchester 11 (Macray, *Muniments*, etc. p. 124).

Hec est conuencio facta inter Andream Halegod et Rogerum filium Simonis de Baldindon, scilicet quod predictus Andreas accommodauit predicto Rogero quinque libras et vndecim solidos sterlingorum ad terram predicti Rogeri acquietandam uersus Copinum et Viues filium eius Iud[e]os Oxonie.

XXVII. *Cart. Frid., Ch. Ch.*, p. 382.

De domo Plente modo vocata Willelmi Seynter. Sciant presentes . . . quod ego Radulphus Plente concessi, dimisi et liberaui Copino de Wygornia totam illam terram que iacet inter terram Prioris Sancte Frideswide et terram Galfridi Truton, quam predictus Galfridus cepit cum Alicia vxore sua in parochia Sancti Aldathi in Oxonia illi et heredibus suis . . .

[1] Nec, but marked with a sign of deletion.

XXVIII. *ib.* p. 381.

Carta de terra Gulp. quam postea habuimus de Copino Judeo in escambium pro domo vocata Senagoga. Sciant presentes . . . quod ego Nicholaus filius Alaei concessi, dimisi et liberaui Copino Judeo de Wygornia totam terram cum pertinentiis que iacet inter terram Johannis de Campedon et que fuit Radulphi Plente, que terra est in parochia Sancti Aldathi in Oxonia, quam terram ego Nicholaus predictus recuperaui super Galfridum Trutun et super Aliciam vxorem eius coram domino Stephano de Segraue et Waltero de Bello Campo . . . domini Regis Justiciariis Anno regni regis Henrici filij Regis Johannis xi°. itinerantibus apud Oxoniam. Habendam . . . predicto Copino et heredibus suis . . . Reddendo inde annuatim pro me et heredibus meis . . . capitalibus dominis 8*s.* ad quatuor anni terminos; et ego . . . Stephanus filius Henrici filij Simeonis concessi . . . Copino Judeo de Wygornia concessionem et liberacionem quas Nicholaus filius Alani fecit predicto Copino de predicta terra cum pertinentiis. Et ego predictus Stephanus quietum clamaui pro me et heredibus meis predicto Copino et heredibus suis omne ius et clamium quod habui in predicta terra ex parte predicti Nicholai. Et warantizabo predicto Copino . . . predictam terram . . . contra omnes homines . . . Reddendo inde annuatim mihi . . . vnum obolum ad pascha pro omni seruicio.

XXIX. *Cartularium Frid., Ch. Ch.*, p. 367 *b*, *C.C.C.*, p. 279, No. 425. 28 Feb. 12 Hen. III, A. D. $122\frac{7}{8}$.

Henricus . . . Rex Anglie . . . Salutem. Sciatis nos . . . confirmasse Deo et ecclesie Sancte Frideswide Oxonie et Priori et canonicis Deo seruientibus terram que fuit Chere Iudee cum pertinentiis suis in villa Oxoñ et terram que fuit Milonis [filii] Deudone Iudei in eadem villa Oxoñ quam idem Milo emit de Roberto Gresemars[1]. Datum apud Westmonasterium 28 die Febr.[2] anno regni regis duodecimo.

XXX. *Excerpta è Rotulis Finium in Turri Londinensi asservatis*, Vol. I. London, 1835, p. 170. 12° Henry III, A. D. 1228.

pro Priore Sancte Frethes-withe Oxoñ. { Prior Sancte Fretheswide dat xl. marcas pro habenda carta domini Regis de terra que fuit Chere Judee in Oxonia et de terra que fuit Milonis Deudone Judei in eadem villa, et pro habenda confirmacione de terris et libertatibus suis per cartas suas eis concessas, sicut plenius

[1] Tresemars in Ch. Ch. MS. See also p. 304.
[2] Not dated in C.C.C. MS.

continetur in cartis suis quas inde habet. Teste ut supra [Rege apud Radingiam xxx. die Marc.]

XXXI. *Excerptae Rotulis Finium*, Vol. I. London, 1835, p. 174. 12° Henry III, A. D. 1228.

Finis Davidis de Oxonia. { David de Oxonia Judeus dat x. marcas et intrat reddere domino Regi lx^ta. marcas pro Roberto Sunegod quas idem Robertus debuit Ysaac de Oxon' Judeo, et x marcas quas Joscepinus Judeus filius ipsius Ysaac debuit de tallagio Bristollie, pro habenda carta domini Regis de domo que fuit ipsius Roberti Sunegod et vadium ipsius Ysaac de Oxonia pro xl. libris, et que postea fuit predicti Joscepini qui postmodum vocabatur Ailbricus Le Convers in parrochia Sancti Martini Oxon. cum camera lapidea et pertinentiis suis que fuit predicti Ysaac patris ipsius Joscepini quam idem Joscepinus habuit post mortem ipsius Ysaac et que capta fuit in manum domini Regis pro tallagio decem marcarum, quas idem Joscepinus debuit de tallagio Bristollie, quas quidem domum et cameram dominus Johannes Rex commisit Britoni Balistar' post fugam ipsius Jocepini de Anglia cum catallis ipsius Britonis, et que postea commisse fuerunt Radulpho de Rothomago post mortem ipsius Britonis et quas idem Radulphus de voluntate et assensu domini Regis dimisit predicto David ad firmam usque in v. annos ad peregrinacionem suam faciendam versus Terram Sanctam, et reddet inde ad scaccarium domini Regis per annum unum par calcarium deauratorum vel sex denarios ad Pascha, sicut plenius continetur in carta sua quam inde habet. Reddet autem de predictis denariis singulis annis xx. marcas ad duos terminos, videlicet ad festum Sancti Michaelis anno xij°. x. marcas et ad Pascha anno xiij°. x. marcas et sic de anno in annum ad eosdem terminos xx. marcas quousque predicti denarii persolvantur.

XXXII. *ib.* p. 194. 14° Henry III, A. D. 1230.

pro Ricardo de Alencun. { Eodem modo scribitur eisdem Justiciariis pro Ricardo de Alencun de novem marcis quas Johannes de Nevill' filius et heres Alexandri de Nevill' qui est in custodia sua debet Roesie que fuit uxor Cocky Judee et de ix marcis quas debet Benedicto de Oxonia Judeo pro Alexandro de Nevill patre suo: allocandis predictis Roesie et Benedicto in debito quod Regi debent. Ita quod idem Ricardus reddat Regi predictas xviij marcas in fine quem fecit cum Rege de xx marcis reddendis per annum ad scaccarium Regis pro debitis suis propriis sicut Rex mandavit Baronibus suis de scaccario. Cartam eciam quam predictus Alexander fieri fecit predictis Judeis et pedem cirographi inter

eos confecti predicto Ricardo deliberari fac[iant]. Teste ut supra [Teste Rege apud Westmonasterium vj die Februarij].

XXXIII. *Issue Roll of the Exchequer, Henry III–Henry VI*, edited by F. Devon, London, 1837, p. 506.

m. 1. Roll of the Jews of Saint Hilary and Easter Terms in the 17th year of King Henry III, 1233.

OXFORD.

(*a*) Of Copinus, of Oxford, 50*s*., for debts purchased from the Treasury.

(*b*) Of Bonamy, son of Copinus, 9*s*., as a fine for many debts.

(*c*) Of David, of Oxford, 40*d*., for the chattels of Bone of Nottingham.

LONDON AND MIDDLESEX.

(*d*) Of the same [James Crespin], half a mark for the same [i. e. for a fine for the chattels of Deudon, the son of Bonevie,] for Abraham the son of Benedict of Oxford.

XXXIV. *Excerpta e Rotulis Finium*, vol. i. p. 288. 19° Henry III, A. D. 1235.

De fine Bonamy Josc et aliorum Judeorum heredum Copini Judei Oxonie.

Rex Justiciariis suis ad custodiam Judeorum assignatis salutem. Sciatis quod Bonamy Josc et Vives filius Copini Judei Oxon et Bonefey filius Abrah' filii Copini unus de heredibus predicti Copini et Joye matris predicti Bonefey finem fecerunt nobiscum per ducentas libras pro habendis, terris domibus et vadiis que fuerunt predicti Copini una cum cartis, cirographis, catallis et debitis que fuerunt ejusdem Copini et nondum sunt acquietata. De quibus ducentis libris reddent viginti libras ad scaccarium nostrum Sancti Michaelis anno regni nostri xix° et viginti libras ad scaccarium Pasche anno regni nostri xx°, et sic de anno in annum xl. libras singulis annis ad terminos predictos donec predicte ducente libre nobis persolvantur. Et ideo vobis mandamus quod sic fieri et inrotulari faciatis. Teste me ipso apud Waltham xxiiij° die Augusti.

XXXV. *ib*. p. 315. 23° Henry III, A. D. 1238.

Mosseius Judeus Oxonie, Copyn filius Bonefoy, Bonefou filius Bonefoy et Batikin filius Bonefou heredes Bonefoy Judei Oxon finem fecerunt cum Rege pro habendis terris et catallis que fuerunt predicti Bonefoy per sexaginta libras de quibus reddent ad scaccarium decem libras per annum scilicet ad Pascha anno xxiij. C. solidos et ad festum Sancti

Michaelis anno eodem C. solidos, et sic de anno in annum et termino in terminum donec predicte sexaginta libre plene fuerint solute et mandatum est Justiciariis ad custodiam Judeorum assignatis quod ita irrotulari et omnes terras et catalla predicta eisdem Judeis faciant deliberari salva vxore, ejus si quam habuit rationabili dote sua secundum legem Judeorum. Teste ut supra. [Teste (Rege) apud Wodestok xviij die Novembris.]

XXXVI. From St. Mary Magdalen College, Bucks, 96 (3), Hebrew deed (Macray, *Muniments*, p. 124). 27 Henry III, A. D. 1243.

Joseph of Oxenfort and his brother Vivez, sons of Copin, made over to the hospital of Oxford outside the East gate, and to the brothers there the property of Thornboro, together with that of William of Morton.

Witness, Benjamin, son of ——?

The Hebrew text (see *Revue des Études Juives*, t. ix. p. 65) is as follows: אנחנו החתומים מטה מודים הודאה גמורה שמטרנו ומחלנו לאושפיטל דאושנפורט שכחון לשער אשט ולאחים מאותו מקום ולבאים מכחם על הקרקע מטורנבריא עם האחוה שהיתה לגילמא דמורטן שאין אנו ולא יורשינו ולא שום אדם מכחנו יכולים לשאל ולערער כלום על הקרקע והאחוה הנקובים בעלילת שום חוב שגילמא דמורטן היה חייב לאבינו קופין דאושנפורט או לנו מבריאת עולם עד סופו

בניטין בן הח[מ]נ[1] עד יוסף דאושנפורט ויוש בן קופין

At foot the following is written:—

'Chirographa cum starro Judei et a Reginaldo filio suo quieta clamata'; and by another hand, 'Istud starrum factum fuit coram Justiciariis apud Westmonasterium, vi die Maii anno Regis Henrici filii Regis Johannis xxvii°.'

XXXVII. *Excerpta è Rotulis Finium in Turri Lond.* vol. i. Lond. 1835, p. 418. 28° Henry III, A. D. 1244.

pro Licoricia Judea. { Mandatum est Baronibus de scaccario et Justiciariis ad custodiam Judeorum [assignatis] quod accepta omnimoda securitate que tam per ipsos quam per viij Judeos de ditioribus et discretioribus Lond. possit provideri aut provisa fuerit a Licoricia Judea que fuit uxor David Judei Oxon. de quinque milibus marcis Regi solvendis terminis assignatis de tallagio Judeorum Regi solvendo per que ipsa Licoricia finem fecit cum Rege pro habendis debitis et catallis predicti David viri sui, tunc catalla illa ei deliberari faciant una cum libris que sunt in custodia Regis quos Rex ei deliberari fac̃ salvis R. quadam biblioteca

[1] The last two letters are doubtful.

quodam p[s]alterio glosato et quibusdam decretis et salvis relaxacionibus per Regem factis ante finem illum de debitis illis. Ita tamen quod quingentas marcas computatis inde CCC marcas quas receperunt per manum Vicecomitis Regis persolvat per manum suam vel per manum Vicecomitis citra festum Beati Petri ad Vincula anno etc. xxviij. et scrutari fač si aliquis liber inveniatur que sit contra legem Christianorum vel Judeorum, et si talis inveniatur dampnetur, et corpus predicte Licoricie a prisona Regis deliberari fač. Teste Rege apud Ely xxvj. die Junij.

XXXVIII. *ib.* p. 445. 33° Henry III, A. D. 1245.

De pardonatione. Rex Baronibus de scaccario salutem. Sciatis quod de DCC.xxv. libris quas Walterus de Lacy debuit heredibus Hamonis de Hereford' Judei et de CL. libris xiij*s.* et iiij*d.* quos idem Walterus debuit David de Oxonia Judeo, et de xl libris quas idem Walterus debuit Blaunch de Hereford' Judee, et de xl libris quas idem Walterus debuit Cuntesse de Hereford' Judee que quidem debita sunt in manu nostra: pardonavimus Petro de Geneva et Matil[lidi] uxori ejus alteri heredum ipsius Walteri medietatem omnium predictorum debitorum. Ita quod Johannes de Verdun et Margeria uxor ejus altera heredum ejusdem Walteri respondeant de altera medietate eorundem debitorum. Et ideo vobis mandamus quod predictos Petrum et Matillidem de medietate omnium predictorum debitorum ipsos contingente quietos esse faciatis. Teste Rege apud Westmonasterium XIX die Decembris. Eodem modo scribitur Justiciariis ad custodiam Judeorum assignatis.

XXXIX. *ib.*, Vol. II. Lond. 1836, p. 58. 33° Henry III, A. D. 1249.

Pardonatio pro Eva que fuit uxor Hugonis Fane. Rex pardonavit Eve que fuit uxor Hugonis Fane totum debitum quod debet Copino de Oxonia Judeo usque ad sexaginta et decem solidos quos ab eo mutuo receperunt ut dicitur. Et mandatum est Justiciariis ad custodiam Judeorum assignatis quod solutis eidem Judeo predictis lxx solidis scripta que predictus Judeus habet de debito predicto eidem Eve habere faciant et sic fieri et irrotulari. Teste Rege apud Wodest[oke] xxvij die Julij.

XL. From *Hebrew Deeds of English* Jews, edited by M. D. Davis, London 1888, p. 17 (p. 37). 35 Henry III, A. D. 1250.

Miryam daughter of Joseph of Oxenfort and widow of Azriel of Norwich disposes of her lands in Norwich in favour of her son.

XLI. *Excerpta è Rotulis Finium in Turri Lond.*, Vol. II., Lond. 1836, p. 110. 35° Henry III, A. D. 1251.

De quodam mesuagio in Gloucestria Regi reddito et commisso Petro Miparty. Mosseus de Oxonia et Ciclatoñ uxor ejus, Salom' gener Jospini et Brunetta uxor ejus et Glorietta soror earum pro se et heredibus suis reddiderunt Regi gratis totum jus et clamium quod habuerunt vel habere poterunt in domibus que fuerunt Jospini de Bristol[lia] Judei in Winchestrete cum pertinentiis, que sunt inter domos que fuerunt Gerardi Le Sauvage et domos Johannis de Celario que se extendunt usque ad aquam de Froñ, quas commisimus Petro Miparti et heredibus suis pro quinque solidis nobis reddendis annuatim ad scaccarium Sancti Michaelis. Teste Rege apud Wodest[oke] xj die Julij.

XLII. *ib.* p. 113. 35° Henry III, A. D. 1251.

Oxoñ. Gamaliel filius Magistri Milonis Oxoñ Judei dat Regi quatuor talenta auri pro uno brevi de pace habenda. Et mandatum est Vicecomiti Oxonie quod capiat securitatem. Teste etc. [Teste Rege apud Windesor. viij die Augusti.]

XLIII. *ib.* p. 120. 36° Henry III, A. D. 1251.

pro hominibus Jacobi de Cloptuñ. Mandatum est Justiciariis ad custodiam Judeorum assignatis quod districcionem quam fieri faciant super homines Jacobi de Cloptun in Clopton qui est in custodia Petri de Monte Forti pro debitis in quibus Johannes de Clopton' pater predicti Jacobi tenebatur Gamelieli Judeo Oxoñ ponant in respectum usque a die Sancti Hilarij in xv dies anno etc. xxxvj proviso tamen quod tallagium Regi Judeorum propter respectum istum non minuatur. Teste Rege apud Feckenham xix die Novembris.

XLIV. *ib.* p. 148. 37° Henry III, A. D. 1252. Membr. 20.

pro quadam Judea. Rex concessit Mildegode que fuit uxor Copini filii Bonefey Judei Oxoñ illas lxxvij libras que ad Regem pertinent de bonis et catallis que fuerunt ipsius Copini pro xx libris annuatim reddendis ad scaccarium Regis, videlicet x libras ad scaccarium Pasche et x libras ad scaccarium Sancti Michaelis, donec predicta pecunia Regi fuerit persoluta. Et mandatum est Philippo Luvel et Justiciariis ad custodiam Judeorum assingnatis (*sic*) quod accepta ab eadem Judea sufficienti securitate de predicta solutione facienda ad terminos predictos: tunc eidem Judee de domibus et aliis bonis et catallis predictis salva possessione Fratrum Hospitalis Sancti Johannis extra portam orientalem Oxoñ plenam

seisinam habere face. Teste Rege apud Wintoniam xxvj die Decembris.

XLV. 37 Henry III, A. D. 1252.

From St. Mary Magdalen College, St. Aldate's, 34 (Macray, *Muniments*, p. 125).

Indentura de Judaismo. [endorsement.]

Sciant presentes et futuri quod die Circumcisionis Domini Anno Incarnacionis Dominice M°.CC°. Quinquagesimo secundo apud Guldeford conuenit Inter fratrem Rogerum de Crancfeld, Elemosinarium Domini Regis, Custodem Hospitalis Sancti Johannis extra portam orientalem Oxon et fratres eiusdem Hospitalis, ex vna parte, et Mildegodam que fuit vxor Copyni filii Bonefey Judei Oxon, ex altera, videlicet, quod ijdem Custos et fratres de vnanimi assensu et voluntate sua dederunt, concesserunt et hac presenti carta sua confirmauerunt predicte Mildegode totum illud Mesuagium cum pertinencijs in parochia Sancte Alde Oxonie quod predictus Copinus quondam tenuit et pro quo reddidit eisdem Custodi et fratribus et Hospitali predicto quatuor solidos per annum, et quod Rex Henricus filius Domini Johannis Regis, vt Escaetam suam post decessum predicti Copini, predictis [Custodi] et fratribus et Hospitali predicto dedit et carta sua confirmauit. Habendum . . . eidem Mildegode et heredibus uel suis assignatis de predictis Custode et fratribus et eorum successoribus . . . Imperpetuum. Reddendo inde per annum eisdem Custodi et fratribus . . . viginti solidos . . . Et sciendum est quod predicta Mildegoda et heredes sui . . . sumptibus propriis sustinebunt et reparabunt predictum Mesuagium . . . et omnes domos eiusdem Mesuagij imperpetuum . . . Hijs testibus, Dominis Roberto Walerand, Stephano Banscan, Roberto le Norreis, Magistro Willelmo de Kylkenny, Archidiacono Couentrensi, Henrico de Wyngham, Ada Feteplace de Oxonia, Waltero Aurifabro, Galfredo fratre suo, Johanne Haligod et aliis.

[With small seal.]

XLVI. *Frid. MS., Ch. Ch.*, p. 374 *b*; *C.C.C.*, p. 49; No. 84. 40 Henry III, 7 July, 1256.

Carta . . . Regis de domo Wycombe concessa Willelmo Walers. Henricus . . . Rex Anglie . . . Salutem . . . Sciatis nos dedisse . . . et confirmasse dilecto valetto nostro Willelmo de Walers[1] illam domum cum pertinentiis in villa Oxoñ que fuit Messei[2] filio Simonis Iudei Oxoñ, et quam Henricus de Wycombe recognouit esse ius

[1] Valers in C.C.C. MS. [2] Mossei in C.C.C. MS.

nostrum et escaetam nostram et eam nobis reddidit coram Simone Passelewe et sociis suis Iusticiariis nostris ad custodiam Iudeorum assignatis. Datum per manum nostram apud Clarindon 7° die Julij anno regni regis nostri 40[1].

XLVII. *Close Roll*, 42 Henry III. m. 9, A.D. 1258 (Sharp). I. de Balsham, Friar, Restitution of pieces of his Bible found in the Jewry, Oxford, pledged to a Jew. See *Athenaeum*, 3 Nov. 1888.

XLVIII. *Cart. Frid. MS., Ch. Ch.*, p. 374 *b*; *C.C.C.*, p. 51, No. 86. 44–46 Henry III, A.D. 1260–62.

Carta quiete clamancie Abbatis Abendonie de messuagio . . . pro qua . . . Warinus soluit eidem viginti quinque marcas. Sciant presentes . . . quod ego Henricus abbas vendidi . . . et quietum clamaui domino Gwarino . . . Persone Ecclesie Sancti Jacobi de Wyntonia tunc Capellano domini Henrici regis Anglie totam terram illam cum omnibus pertinentiis suis que fuit Moysi[2] filii Simonis Iudei . . . que terra . . . jacet inter terram Copini Iudei de Wygornia et terram que fuit Simonis Iudei in parochia Sancti Aldathi de Oxonia pro viginti quinque marcis . . . Hijs testibus, etc.

XLIX. 47 Henry III, A.D. 1263.

From St. Mary Magdalen College, All SS., 55, (Macray, *Muniments*, p. 125).

Hec est finalis concordia facta in Curia domini Regis apud Westmonasterium a die Pasche in tres septimanas anno regni Regis Henrici filii Regis Johannis Quadragesimo septimo coram Domino Johanne de Weston, Magistro Th(oma) de Pinelegdon [?] tunc Justiciariis, ad custodiam Judeorum assignatis, et aliis . . . inter Cresseum filium Magistri [Mossei] et Jacobum de Oxonia fratrem ejus Judeos querentes et Johannem Halegod et Agnetem vxorem eius impedientes de vno mesuagio cum pertinenciis in Oxonia parochia Omnium Sanctorum, vnde placitum warantie carte summonitum fuit in eadem Curia, scilicet quod predicti Johannes et Agnes recognouerunt predictum mesuagium . . . esse jus predictorum Cressei et Jacobi, vt illud quod iidem Cresseus et Jacobus habent de dono predictorum Johannis et Agnetis, Habendum . . . eisdem Cresseo et Jacobo et heredibus suis de predictis Johanne et Agnete et heredibus suis . . . inperpetuum. Reddendo inde per annum predictis Johanni et Agneti . . . vnum par albarum Cyrotecarum uel vnum denarium ad Pascha pro omni seruicio . . . Et pro hac recognicione . . . et concordia iidem Cresseus et Jacobus dederunt predictis Johanni et Agneti nouem marcas argenti.

[1] Not dated in C.C.C. MS. [2] Mossi in C.C.C. MS.

L. *Cart. Fridw. MS., Ch. Ch.*, p. 55. Henry III. 1266.

Omnibus [etc.] dominus Nicholaus de Turry (Justiciarius domini Regis) salutem . . . Nouerit vniuersitas vestra quod Anno Domini 1266 tercio kalend. Augusti regnante illust. Rege nostro Henrico filio Regis Johannis anno regni ipsius quinquagesimo et me Justiciario tunc existente apud Oxoniam et constituto ad placita domini Regis placitand. ibidem Prior Sancte Frideswide Oxonie et eiusdem loci conuentus me presente et per visum Maioris et tocius communitatis iudicialiter receperunt ex testamento magistri Johannis Hamond plenariam seisinam de quadam placea que quondam fuit fratrum Predicatorum in Judaismo Oxonie . . . Hijs testibus, etc.

LI. 52 Henry III, A. D. 1267.

From St. Mary Magdalen College, All SS., 55 (Macray, *Muniments*, p. 125)

Henricus Dei gracia Rex Anglie [etc.], omnibus ad quos presentes littere peruenerint salutem. Dimissionem, concessionem et vendicionem quas Jacobus, filius Magistri Mossei, Judeus Oxonie, fecit dilectis nobis Roberto de Swinebroke Burgensi Oxoñ et Juliane vxori eius de toto illo mesuagio, cum pertinenciis, exceptis quatuor seldis eiusdem mesuagii versus regium vicum sitis, quod quidem mesuagium situm est in parochia Omnium Sanctorum Oxonie inter terram Willelmi Bodyn ex parte vna et terram que fuit Willielmi Campanarii ex altera, et quod mesuagium dictus Jacobus et Cresseus frater eius emerunt de Johanne Halegod et Agnete vxore eius et cuius mesuagii cum pertinenciis predictus Cresseus suam partem eidem Jacobo dedit, concessit et qu[i]etum clamauit, Habend. et tenend. predictis Roberto et Juliane et heredibus uel suis assignatis imperpetuum, ratas habentes et gratas eas pro nobis et heredibus nostris quantum in nobis est concedimus et confirmamus, sicut scriptum inde inter eos confectum, quod prefati Robertus et Juliana inde habent et quod inspeximus, rationabiliter testatur. In cuius rei testimonium has litteras nostras fieri fecimus patentes. Teste me ipso apud Clarendoñ quarto die Decembris anno regni nostri quinquagesimo secundo.

[With Great Seal, nearly perfect.]

LII. 51 Henry III, A. D. 1267. From *Hebrew Deeds of English Jews*, edited by M. D. Davis, No. 55 (p. 143).

Norwich. Contissa widow of R. Jehoshayah son of R. Samson the Levite conveys her property at Norwich to Isaac son of Abraham of Oxford.

LIII. *Excerpta è Rotulis Finium in Turri Londinensi.* Vol. II. Lond. 1836, p. 457. 51° Henry III, A.D. 1267.

pro Anastasia de Byrton herede Walteri Le Bretun. Rex Justiciariis ad custodiam Judeorum assignatis salutem. Sciatis quod ad instanciam dilecti et fidelis nostri Petri de Anesy pardonavimus Anastasie de Byrton heredi Walteri Le Bretun decem marcas in quibus idem Walterus [tenebatur . . .] filio Copini quondam Judeo Oxoñ per cartam suam. Et ideo vobis mandamus quod cartam predictam ab archa cyrographorum nostrorum extrahi et eam predicte Anastasie liberari, et ipsam Anastasiam de predictis decem marcis quietam esse, et sic fieri et irrotulari faciatis. Teste Rege apud Stratf[ordiam] xix die Maij.

LIV. Merton College, No. 188. 51 Henry III, A.D. 1266–7, February 28.

Grant from Jacob, son of Master Moses (*Mosey*, gen.), Jew of London, and Henna his wife, at the instance of Dom. Walter de Merton, and for 30 marks given by him to them, to the Scholars and Brethren of the House of Scholars of Merton founded by the said Walter at Meandon [=Maldon], Surrey, for the perpetual maintenance of scholars *in scolis degentium*, of their houses in the parish of St. John at Oxford within the walls, which houses formerly belonged to John Halegod, lying between the land of the Prior of St. Fretheswide, formerly Albred Hereprud's, on the west, and the land that belonged to Robert Urlewyne on the east. We have released in the full Court of Oxford all our right in the said houses. The Scholars and Brethren grant, at our request, that Dom. Anthony Bek and Dom. Thomas his brother may hold and inhabit the said houses for three years from next Michaelmas, for 100*s.* paid by us by way of hire (*locagium*) of the said houses.

Among witnesses are Manasser le Eunleyse, Mosey Parnaz, Jacobus of Exeter, Lumbard of Krikkelade, Jews.

Appended in Hebrew, by Jacob, son of R. Moses, of London, are the following words:—אני יעקב בן רב משה דלונדריש מודה כל שכתוב למעלה בלשון לטין בל ימחק והנה הודיתי בעבורי ובעבור יורשו שיהיה שריר וקיים ונם בעבור אשתי הודיתי שיהיה שריר וקיים ומה שהודיתי כתבתי ותחתומי בעבורי ובעבור אשתי חנה

This Hebrew text has been published several times, but incorrectly. See *Hebrew Deeds of English Jews*, edited by M. D. Davis, No. 204 (p. 269).

LV. *Cart. Frid. MS., C.C.C.*, fol. 279, No. 425[1]. Henry III.

Henricus Dei gracia Rex Anglie Dominus Hybernie Dux Normannie et Aquitannie Comes Andegavie Archiepiscopis Episcopis Abbatibus Prioribus Comitibus Baronibus Justiciariis Vicecomitibus Prepositis Ministris et omnibus Ballivis et fidelibus suis presentem cartam inspecturis Salutem. Sciatis nos intuitu Dei et pro salute anime nostre et animarum antecessorum et heredum nostrorum dedisse concessisse et hac carta nostra confirmasse Deo et ecclesie sancte Frideswide Oxon et Priori et Canonicis ibidem Deo servientibus terram que fuit Chere Judee cum pertinenciis suis in villa Oxon et terram que fuit Milonis Deudone Judei in eadem villa Oxon quam idem Milo emit de Roberto Tressemars, que quidem terre sunt de feodo predictorum Prioris et Canonicorum, habendas et tenendas de nobis et heredibus nostris eisdem Priori et Canonicis et eorum successoribus bene et in pace libere quiete integre, in liberam puram et perpetuam elemosinam. Quare volumus et firmiter precipimus quod predicti Prior et Canonici et eorum successores habeant et teneant predictas terras cum pertinenciis suis de nobis et heredibus nostris sicut predictum est. Hiis testibus E. London J. Bathon et aliis.

LVI. *Reports, Commissioners Public Records*, 55th Report, Vol. XL. Appx. ii. 1884–85, p. 274, m. 33d. (88). Calendar of Patent Rolls, 4 Edward I, A. D. 1276.

Oxford; appointment of the same two (Roger Loueday and John de Metingham) to take the assise of novel disseisin arraigned by William de Herdeby and Agnes his wife against Jacob son of Master Mosseus, a Jew of London, and others, touching a tenement in.

LVII. *ib.* p. 273, m. 12 (18). Calendar of Patent Rolls, 4 Edward I, A. D. 1267.

Oxford; appointment of the mayor and bailiffs of, as guardians of the Jews of the said vill until the Parliament at Michaelmas next ensuing, so as to remove the occasion of the disturbance lately arisen, as is alleged, between the sheriff of Oxford and the said Jews. Windsor, 31 July.

LVIII. *Op. cit.*, 46th Report, 1886, Vol. XXXVII. Appx. ii. p. 247. Calendar of Patent Rolls, 5 Edward I, A. D. 1277.

Oxford, volumus at the instance of the Jews of—that the sheriff of—shall have the custody of the said Jews for the future during pleasure, the said custody having been transferred to the mayor of

[1] Communicated to us by the Rev. S. R. Wigram.

the vill of Oxford until Michaelmas last past on account of a contention between the said sheriff and the said Jews. Abingdon, 20th December.

LIX. From *Papers read at the Anglo-Jewish Historical Exhibition*, (Dr. Ch. Gross,) p. 199. VI Edward I, A.D. 1278.

Jacobus [de Oxonia] talliatus fuit pro omnibus debitis suis quibus cum locis.

LX. *Rotuli Hundredorum in Turri Lond.*, Vol. II. 1818. Quarta Aldermanria in Burgo Oxon'. 7 Edward I, A.D. 1279.

(*a*) p. 790. Item Vives Judeus longus tenuit unum tenementum quod quondam Godefridus ad Portam impignoravit apud Millegode Judeam & idem Vives Judeus reddit Johanni Kepeharm iiij*s*. per annum ut capiti & est eskaeta domini Regis & valet xx*s*. per annum.

(*b*) p. 791. Benedictus filius Meyr Judeus tenet j tenementum cum pertinentiis reddens inde W. Fetep(lace?) xl*d*. ut capiti et habet illud ex hereditate et valet x*s*. plus per annum.

(*c*) Item Vives filius Ben' Judei cujus mater dampnata est propter delictum suum tenet j messuagium cum pertinentiis reddens inde Abbati de Abingdon xvj*d*. ut capiti et habet illud ex hereditate et valet xx*s*. plus per annum.

(*d*) Ben' le Cauz tenet j mesuagium racione uxoris sue hereditarie cum pertinentiis reddens inde ad firmam ville iiij*d*. et quadrantem pro langable et valet v*s*. plus per annum.

(*e*) Samuel de Berchamstede tenet j mesuagium cum pertinentiis hereditarie reddens inde Regi ut cap' iiij*d*. et quadrantem et pertinet ad firmam ville et valet v*s*. per annum.

(*f*) Ben' le Esuesk Judeus tenuit j mesuagium hereditarie cum pertinentiis quod Sare [*sic*] ejus uxor et heredes sui tenent nunc cum pertinentiis redd. inde conversis Londoñ x*s*. pro omni servicio et valet xx*s*. plus per annum.

(*g*) p. 792. Reyne Judea tenet j mesuagium cum pertinentiis hereditarie redd. domui Sancti Bartholomei ij*s*. vj*d*. ut cap' et valet x*s*. plus.

(*h*) Aron Judeus tenuit duo mesuagia empta de Henrico Wirle cum pertinentiis redd. inde Johanni Kepeharm vij*s*. et vj*d*. et ecclesie ij*s*. et sunt escheata domini Regis et valent xx*s*. plus per annum.

(*i*) Delema Judea et Elekin tenent duo tenementa cum pertinentiis per descensum ab antecessoribus suis redd. inde Abbati de Abindon' x*s*. ut cap' et Johanni Pady xl*d*. et valent xl*s*. plus per annum.

(*k*) Mosse filius Jacobi Jud. tenuit unum tenementum emptum a Philippo Stocwille et redd. Abbati de Abindon' xs. et ij*d.* ut cap' quod tenementum domina Regina mater domini Regis seisiavit in manu sua et valet lxxs. plus.

(*l*) p. 793. Cecilia de Scirebrun tenet j mesuagium cum pertinentiis emptum a Benedicto Judeo redd. Sancte Fred(eswide) iiijs. ut cap' et Abbatisse de Godestowe xij*d.* et valet vs. plus per annum.

(*m*) Magister Petrus de Loukynge tenet j messuagium cum pertinentiis emptum de Jacobo Judeo redd. de langabla ad firmam ville ix*d.* et obolum et valet xxs. per annum.

(*n*) p. 794. Isenda Fulur tenet j mesuagium de Thoma de Walton' et Thomas emit illud de Jacobo Judeo et Jacobus de Benedicto Judeo et Benedictus emit illud de Odo Piscatore redd. heredibus Johannis Pady xij*d.* et ecclesie Sancti Martini xiiij*d.* nescitur quo modo et valet j marca.

ib. p. 807. Walterus Longus tenuit j mesuagium quod valuit xls. per annum et invadiavit illud Jacobo de London Judeo et post mortem dicti Walteri idem Jacobus prostravit dictum mesuagium usque ad fundamentum et fecit cariare petram et meremium et cetera omnia usque in villam de Oxonia et edificavit inde pulcram aulam in parochia Sancti Aldati et valet per annum xls.

LXI. 49th *Annual Report of the Deputy Keeper of the Public Records.* Appx. 1888, p. 94, m. 8 (32). Calendar of Patent Rolls, 8 Ed. I. 1280.

Jacob, Bonamy son of, a Jew of Oxford; licence to, to sell to Vyues son of Bonesaut, a Jew of Gloucester, a house in Oxford, in the great street there of the King's Jewry. Leghton, 23rd July.

LXII. 50th *Annual Report of the Deputy Keeper of the Public Records.* Appendix 1889, p. 126, m. 119 (1). Calendar of Patent Rolls, 9 Edward I, 1281.

Jacob, son of Joceus, a Jew of London; license to, to sell to Gregory de Rokesle, a moiety of a mesuage in London which lies between the land of Master Elias, son of Master Mosseus, a Jew of London, towards the north and the land of Sleme (? Salome) late wife of Master Isaac of Oxford, a Jew, towards the south, the western head of which abuts on the King's highway ('vicum') called 'Colechurchelane' and the eastern head on the land of the Friars of the Sack ('fratrum de penitencia Jesu Christi'), and to the said Gregory to buy the said moiety from the said Jew. Westminster, 18th May.

LXIII. *Cart. Fridw. MS., Ch. Ch.*, p. 304 *b.* 18 Edward I, 1282. Starrum Hagini filii Duletri Judei recognitum est et irrotulatur

infra starra de termino Sancti Michaelis anno regni regis Edwardi filij Henrici ix° incipiente x° ad Scaccarium Judeorum coram H. Hauteyn et R. de Ludham tunc justiciarijs ad custodiam Judeorum assignatis, et sequitur breve domini Regis vicecomiti Oxon directum et ab eo ballivis ville Oxon super materia predicta in hec verba;

I. de Thedmers vicecomes Oxon Ballivis ville Oxon salutem. Mandatum Domini Regis in hec verba suscepimus. Edwardus Dei gracia etc. vicecomiti Oxon salutem. Quia Haginus filius Deuletri Judeus qui dicitur Cok Hagyn in curia nostra coram Justiciarijs nostris ad custodiam Judeorum assignatis recogn. Per starrum suum quod quietauit et remisit Priori Sancte Frideswide Oxonie et eorum successoribus omnia debita et acciones et demandas quascunque in quibus ei tenebatur occasione terrarum et tenementorum que tenet, que fuerunt Johannis Halegod de Oxonia, tibi precipimus quod eidem Priori demandam quam eis fač occasione terrarum . . . et que idem Prior tenuit ante festum Sancti Michaelis nunc proximo preterito pacem habere permittas . . . Teste H. Hauten apud Westmonasterium xv die Aprilis anno regni regis nostri decimo.

LXIV. From Professor J. E. Thorold Rogers' forthcoming book containing Ancient Records relating to the city of Oxford, (Oxford Historical Society).

(*a*) p. 191. The Jew Isaac de Pulet or Polet and his wife Rebecca are accused of the murder of one William de Prenne. The murder was committed on April 22, 1284.

(*b*) p. 198 (15). Quidam Dauid de Hybernia inuentus fuit occisus in Aula Prioris S. Frideswydae in paruo Judaismo.

(*c*) p. 201 (28). Willelmus de Hachetot inuentus fuit occisus in paruo Judaismo. Primus inuentor obijt; et compertum est per Rotulum Coronatoris quod quidam Meyrocus de Bruges Judaeus Oxon, et Belsasset vxor eius alias rectati fuerunt de praedicta morte, et jurati malecredunt ipsos; ideo praedictus Meyrocus extra et vtlagatur et praedicta Beleasset extra; et Weyner de catallis eorum inquiratur per Christianos et Judaeos.

(*d*) p. 208 (57). De Escaetis dicunt quod Henricus Oweyn tenet quoddam tenementum quod fuit Escaeta Domini Regis per mortem Bonemie Judaei suspensi. (58) Et Thomas de Sowy tenet quoddam tenementum quod valet per annum 30*s*. quod fuit Escaeta Domini Regis per mortem Aaron de la Rye Judaei. (59) Et M^r^. Henricus Wade cocus Dominae Reginae consortis tenet quoddam tenementum quod valet per annum 5 marcas, et quod fuit Escaeta Domini Regis per mortem Olehym filij Basse Judaei suspensi. (60) Et Adam clericus

tenet quoddam tenementum de dono Domini Regis quod fuit Escaeta sua per mortem cuiusdam Vyues le Lime Judaei suspensi.

(*e*) p. 219 (90). Jurati praesentant quod quaedam placea quae iacet inter terram Simonis le Bere et terram Paulini de Credynton est Escaeta Domini Regis per mortem Jacobi de Lundon Judaei.

(*f*) p. 221 (97 and 98). Johannes de Prene frater Willelmi de Prene appellat Isaac filium Isaac de Pulet de morte Willelmi fratris sui, ... Idem appellat Rebeccam ... Et Isaak et Rebecca venerunt et nihil aliud dicunt, etc.

LXV. From *Hebrew Deeds of English Jews*, edited by M. D. Davis, No. 190 (p. 351). No date.

Moses of Oxenfort confirms that he has no plea nor claim against Richard the prior of Trinity concerning a rent paid annually by Michael, a priest of Billingsgate.

Documents with Uncertain Dates.

Extracted from the *Cart. Fridw. MSS.*, *Ch. Ch.* and *C.C.C.*

LXVI. *Ch. Ch.*, p. 461.

Carta de domo Herprut de qua solebamus habere ix solidos, obolum per annum . . . que domus iuxta ecclesiam Sancti Johannis est in parte orientali vbi nunc porta de Martonhalle constituitur, et Custodi et Scolaribus eiusdem dimittitur in feodo perpetuo pro vno obolo reddendo per annum. . . .

Omnibus [etc.] Robertus Prior Sancte Frideswide Oxonie et eiusdem loci conventus salutem. Noueritis nos ad instanciam domini Henrici Regis Anglie . . . et domini Walteri de Merton . . . dedisse . . . et . . . confirmasse Deo et beate Marie et Sancto Johanni Baptiste et domui Scolarium de Merton . . . domum nostram cum pertinentiis in Oxonia que quondam fuit Henrici Herprut ex parte orientali ecclesie Sancti Johannis Oxonie infra muros, quam quidem ecclesiam habet vsibus suis propriis, que sita est inter dictam ecclesiam ex vna parte et domum suam que fuit Jacobi Judei Oxonie ex altera, Habendam . . . de nobis et ecclesia nostra imperpetuum. Reddendo inde annis singulis vnum obolum ad feretrum beate Frideswide ad natale Domini pro omni seruicio . . . Hijs testibus, etc.

LXVII. *Ch. Ch.*, p. 381 *b*.

Carta Dionisii filii Lamberti de terris supradictis.

Sciant presentes . . . quod Ego Dionisius filius Lamberti filii Toni concessi, dimisi et liberaui Jacobo de Wigornia Judeo omne ius quod habui in tenemento quod Nicholaus filius Alani de me tenuit in parochia Sancti Aldathi in Oxonia, vnde predictus Jacobus reddidit

octo solidos et vnum obolum, vnde sex solidi erant mei et duo solidi erant capitalis domini, et obolus erat Nicholai filii Alani, quod tenementum scilicet Nicholaus filius Alani adquisiuit super Galfridum Truton et Aliciam vxorem eius coram Justiciariis itinerantibus in Oxonia . . . Habendum . . . predicto Jacobo . . . de me . . . in feodo . . . Reddendo inde annuatim mihi . . . vnum obolum ad pascha. Et predictus Jacobus . . . solueret pro me . . . heredibus Willelmi de Ebenstone annuatim duos solidos. . . . Hijs testibus, etc.

Ch. Ch., p. 368; *C.C.C.*, p. 40, No. 67.

Omnibus [etc.] ego Benedictus Kepharm salutem. Nouerit vniuersitas vestra me . . . dedisse Deo et ecclesie Sancte Frideswide Oxoñ et Canonicis ibidem Deo seruientibus totam curiam illam que est retro domum que fuit Chiere Iudee . . . in venella (que vocatur Kepharm lane) que est ante domum meam.

LXVIII. *C.C.C.*, p. 236, No. 364.

De domo Copini Euerardo pistori. Vniuersis . . . ad quos presens scriptum peruenerit frater Johannes Prior domus Sancte Frideswide Oxonie et eiusdem loci conuentus salutem in Domino. Nouerit vniuersitas vestra nos . . . concessisse . . . et ad firmam dimisisse Euerardo de Amynton pistori et Elene de Bloxham vxori sue vnum mesuagium in parochia Sancti Aldati in villa Oxonie, quod quidem mesuagium situm est inter domum que fuit quondam Copino Judeo [*sic*] ex parte boriali et domum Willelmi le Seynter ex parte australi . . . Reddendo inde annuatim nobis . . . xxiiij solidos . . . Pro hac autem concessione . . . dedit nobis predictus Euerardus xx solidos . . . Hijs testibus, etc.

LXIX. *C.C.C.*, p. 233 *b*, No. 362.

De terra Wicumbe ad uitam W. de Brehulle et Matildis vxoris eius tamen.

Hec est conuencio facta inter Robertum Priorem ecclesie Sancte Frideswide Oxonie et conuentum eiusdem loci ex vna parte et Willelmum de Brehulle burgensem Oxoñ ex parte altera, videlicet quod dictus Prior et conuentus concesserunt, dimiserunt, [et] tradiderunt predicto Willelmo et Matildi vxori sue vnum mesuagium cum omnibus pertinentijs, quod situm est inter terram que aliquando fuit Copini Judei ex parte vna, et terram que aliquando fuit domini Willelmi de Brueres ex parte altera, in parochia Sancti Aldathi Oxonie. . . . Reddendo inde annuatim . . . xx^{ti} et quatuor solidos . . . Hijs testibus, etc.

LXX. *Ch. Ch.*, p. 384 *b*.

Carta de diuersis terris et tenementis concessis Laurentio Kepeharm

que postea dantur ecclesie predicte in testamento ipsius et sunt in diuersis partibus.

Notum sit omnibus . . . quod ego Johannes de Eofleia[1] et ego Helena vxor eius filia Radulphi filii Anketil concessimus et dimisimus et liberauimus Laurencio Kepharm has subscriptas terras nostras in Oxonia et in suburbio, videlicet terram Hugonis filii Ern. que reddit duos solidos et est inter terram Anketil fil. Segari et terram Belsente iuxta pontem australem, et terram que fuit Gaufridi Balby que reddit sex solidos per annum et est inter terram que fuit Radulphi Wautir et terram Copini de Wircestre in Judaismo Oxonie, et illam terram que fuit Mossei Judei de Brist. et terram que fuit Deodati Judei, que due terre quadraginta denarios per annum [reddunt] et hee due terre sunt inter terram que fuit Sewini Child et terra[m] que fuit Beniamin Judei in Judaismo Oxonie . . . Et ego Johannes de Eofleia et ego Helena vxor eius . . . warantizabimus omnes predictas terras prefato Laurencio et cuicunque . . . ipse Laurencius ipsas terras dederit . . . Hijs testibus, etc.

LXXI. *Ch. Ch.*, p. 376.

Carta Henrici Wycombe de . . . domo data . . . ecclesie Sancte Frideswyde . . .

Sciant presentes . . . quod ego Henricus de Wycomba . . . dedi . . . et . . . confirmavi . . . in puram elemosinam Priori et conventui Sancte Frideswyde Oxonie . . . domum meam cum pertinentiis, videlicet illam que quondam fuit Moysi filij Simonis Judei in Judaismo, que sita est inter terram que quondam fuit Copini Judei de Wygornia et terram que aliquando fuit Simonis Judei in parochia Sancti Aldathi in Oxonia . . .

LXXII. *Ch. Ch.*, p. 375.

Alienacionis carta . . . Warini (persone ecclesie Sancti Jacobi de Wyntonia) de tenemento . . . etc.

Sciant presentes . . . quod Ego Warrinus capellanus domini Regis concessi . . . et confirmaui Ricardo Molendinario et Aceline vxori sue . . . pro seruicio suo totam illam terram cum omnibus pertinentiis suis que fuit Moysy filii Simonis, que terra iacet inter terram que fuit Simonis Judei et terram Copini Judei in parochia Sancti Aldathi in Oxonia . . . Hijs testibus, etc.

LXXIII. *Ch. Ch.*, p. 375 *b*.

Carta confirmacionis supradicti Willelmi de Valers facta prefato Henrico Wycombe de supradicto tenemento.

[1] Sofleia in MS.

Sciant presentes [etc.] quod Ego Willelmus de Walers dedi . . . et . . . confirmaui et quietum clamaui . . . Henrico de Wycombe Burgensi Oxonie illam domum meam cum pertinentijs suis quam habui in villa Oxon de dono domini Regis, videlicet illam que fuit Moysi filij Simonis iudei Oxonie in Judaismo in parochia Sancti Aldathi Oxonie in qua predictus Henricus de Wycombe tunc mansit . . . Hijs testibus, etc.

LXXIV. *Ch. Ch.*, p. 374.

Carta quiete clamancie Abbatis Abendon de messuagio . . . pro qua idem Warinus soluit eidem xxv marcas.

Sciant presentes . . . quod ego Henricus abbas vendidi, liberaui et quietum clamaui domino Guarino persone ecclesie Sancti Jacobi de Wyntonia . . . totam terram illam cum omnibus pertinentijs suis que fuit Moysi filii Simonis Judei, que terra est de feodo abbatis de Abyndon, que terra iacet inter terram Copini Judei de Wigornia et terram que fuit Simonis Judei in parochia Sancti Aldathi de Oxonia pro viginti quinque marcis . . . Hijs testibus, etc.

LXXV. *Ch. Ch.*, p. 367.

Carta de domo Crompe dicte ecclesie concessa in eadem parochia (Sancti Aldathi).

Vniuersis . . . ad quos presens scriptum peruenerit. Johannes de Naanar salutem . . . Nouerit vniuersitas vestra me concessisse, remisisse et quietum clamasse imperpetuum Deo et ecclesie Sancte Frideswide . . . et canonicis ibidem . . . terram que fuit Vinonis Judei cum pertinentijs suis, et terram que fuit Milonis filij Deudone . . . quas scilicet terras tenui de feodo eorundem canonicorum in villa Oxonie ex donacione domini mei Johannis . . . Regis Anglie, qui eas mihi dedit pro seruicio meo. Et pro hac mea concessione . . . dederunt mihi prefati canonici decem marcas argenti ad faciendam peregrinacionem meam in terram Ierosolomitanam . . . Hijs, etc.

LXXVI. *C.C.C.*, p. 231, No. 362 *a*.

Sciant presentes . . . quod nos Robertus Prior Sancte Frideswide Oxonie et eiusdem loci conuentus dedimus . . . et . . . confirmavimus Willelmo Kepharm burgensi Oxon et Johanne filie quondam Henrici Perle vxori sue . . . duo mesuagia . . . in parochia Sancti Aldati Oxonie, que sunt sita inter terram que fuit Rogeri Speciarii ex parte australi et terram Keyne Iudee que fuit filia Mosse ex parte boriali . . . Reddendo inde annuatim nobis . . . quadraginta solidos argenti . . . Pro hac autem donacione . . . dederunt nobis predicti Willelmus et Johanna vxor sua decem marcas argenti . . .

Later Documents.

LXXVII. From Turner-Coxe. *Calendar of Charters and Rolls preserved in the Bodleian Library*, 1878, p. 351.

Thomas de Nextebury of Watereton grants to the abbot and convent of Oseney a cellar with a solar in St. Edward's parish, Oxford, in little Juwerye, between a tenement of Joseph de Wodestoke on the West, and a tenement of Ballioll halle on the East.

Dated at Oxford the Sunday next after the Epiphany, 22 Edward III. A.D. 1349. Cha. 490.

LXXVIII. *Balliol College* 9, St. Aldate's, B. 9. 11 Edward I, 1291.

Edwardus, Dei gratia Rex Angliae, Dominus Hiberniae et dux Aquitaniae omnibus ad quos praesentes litterae pervenerint salutem.

Sciatis quod dedimus et concessimus pro nobis et haeredibus nostris dilecto nobis Willelmo Burnell, praeposito Wellensi, domos illas cum pertinentiis in Oxonia quae fuerunt Mossei filii Jacobi de London Judaei in parochia Sancti Aldati; et domum illam cum pertinentiis quae fuit schola Judaeorum in eadem villa; et domos illas et tenementa cum pertinentiis quae fuerunt Margaliciae, quae fuit uxor Vives de Gloucestre, Judaeae, in eadem villa; et domos illas cum pertinentiis quae fuerunt Bonefeii, filii Lumbardi de Crickelade, Judaei, in parochia Sancti Martini in eadem villa; et domos illas et tenementa cum pertinentiis quae fuerunt Sarrae, quae fuit uxor Benedicti le Eveske, Judaeae, in parochia Sancti Aldati in eadem villa; Et domos illas cum pertinentiis quae fuerunt Floriae la vedue, Judaeae, in eadem parochia in villa praedicta; Et domos illas et tenementa cum pertinentiis, quae fuerunt Benedicti de la Cornere, Judaei, in eadem parochia in villa praedicta; et domos illas et tenementa cum pertinentiis quae fuerunt Pye, quae fuit uxor Benedicti Caus, Judaeae, in eadem parochia in villa praedicta; et domos illas cum pertinentiis quae fuerunt Avegaye filiae Benedicti de Wintonia, Judaeae, in eadem parochia in villa praedicta; Et etiam domos illas cum pertinentiis quae fuerunt Samuelis de Berkhampstede, Judaei, in eadem parochia in villa praedicta, per exilium eorundem Judaeorum et Judaearum a regno nostro tamquam escaeta nostra in manu nostra existentia et quae ad decem libras, octo solidos, et septem denarios extenduntur . . .[1]

LXXIX. *Balliol College.* A.D. 1292.

Grant by Brother Nicholas to William Burnet . . . Dedimus etiam . . . domum, terram et tenementa cum pertinentiis quae Jacobus dictus

[1] See Macray's Notes from the muniments of Magdalen College, p. 125 (c. 1290).

Mildegod quondam Judaeus tenuit de nobis; quae domus sita est inter tenementum Prioris Sanctae Frideswydae ex parte una et tenementa quae quondam fuerunt Judaeorum Oxoniae ex parte altera in parochia Sancti Aldati . . . Burnell gives in exchange the houses, etc. assigned to him in the document of 1291. The duplicate of it is to be found in Magdalen College, S. Aldate's, No. 30 (Macray, *Munimenta*, p. 125).

LXXX. *Balliol College*, B. 9. 35 Edw. I, A.D. 1307.

Lease by Balliol College to John de Aylesbury a messuage 'ubi quondam erat Synagoge Judaeorum in parochia Sancti Aldati Oxoniae.'

LXXXI. *E Registro domini Rigaudi de Asserio, Wintoniensis episcopi.* Fol. 1, *b.*

13 Februarii, 1320–1. Executio pro solutione quadrantis concesso converso docenti Oxoñ linguam Ebraicam et Grecam[1].

RIGAUDUS, miseratione divina Wyntoniensis episcopus, dilecto filio . . . officiali Wyntoniensi vel ejus . . . commissario, salutem, gratiam et benedictionem. Cum nuper in parliamento apud Westmonasterium ultimo celebrato per venerabilem patrem dominum Walterum, Dei gratia, Cantuariensem archiepiscopum, totius Anglie primatem, et suffraganeos suos ibidem adunatos, inter cetera tunc ordinata deliberatione provida condictum fuerit et concessum, quod pro stipendiis conversi docentis Oxoñ linguam Ebraicam atque Grecam, et pro negotiis aliis communibus ecclesie Anglicane, unus quadrans de libra bonorum ecclesiasticorum Cantuariensis provincie in singulis diocesibus ipsius provincie colligatur, et collecta inde pecunia citra primam Dominicam Quadragesime per deputatos collectores singulos Londonie transmittatur, Priori ecclesie conventualis Sancte Trinitatis Londoñ, ad hoc ibidem electo communiter receptori persolvenda. Quocirca vobis in virtute obedientie firmiter injungendo mandamus quatenus per officiales archidiaconorum nostrorum Wyntoniensis et Surriensis dictum quadrantem a singulis libris bonorum ecclesiasticorum nostre diocesis sine dilatione ipsamque collegi et levari faciatis ipsamque collectam inde pecuniam . . . Priori Sancte Trinitatis predicto citra mediam Dominicam Quadragessime integraliter faciatis recipiendo ab eodem literas acquietancie de soluto. Et quid super hiis feceritis nos citra festum Pasche certificetis per

[1] This tax was consequent on the decree of the Council of Vienne that there should be two Lecturers on Hebrew, two on Arabic, two on Greek, and two on Chaldee at the Roman Court, at Paris, at Oxford, at Bologna, and at Salamanca. (See Wilkins' Concilia, Vol. II. p. 499; Constitutions of Clement V, lib. v. cap. i. quoted in Lyte's History of the University of Oxford, p. 112).

literas patentes harum seriem continentes. Datum apud Suthwerk' Idus Februarii, anno Domini M°CCC^mo XX^mo.

Kennicott mentions, in his *Dissertatio generalis*, a cod. 380 Hebrew MS. in 8vo, containing the Pentateuch, the Haftaroth (prophetical lesson), the five scrolls and Job, in possession then of Lord Simon Ulman, at Pferschen (Pfersce? in Bavaria), and written by Isaac the scribe, son of R. Elijah, the Hazan (Chantre) of Oxenfurt (אוכשנפורט), at Brussels, finished on Sunday, the 17th of the month of Marheshwân 5070 A.M. = 22nd October, 1307. Of course, Isaac the scribe might be an exile from Oxford in 1290, settled at Brussels; but we believe the place from whence Isaac came is Oxenfurt in Bavaria.

It is probable that a great number of Jews remained in England after the expulsion, protected by monastic authorities as converted Jews. It is most likely that they followed secretly, like the *maranos*, their brethren in Spain, the Jewish rites. It may be also that Jewish refugees from Spain in 1490 found an asylum in England. Indeed, the Spanish ambassador complained about it to Henry VII, when he was negotiating the marriage of his son Arthur with Catharine of Aragon[1]. Certain it is that early in the sixteenth century Jews settled in London without much molestation[2]. But out of London, says Mr. Lee[3], the earliest definite trace of Jews in England is found in Oxford under Elizabeth or James I. The two Universities of Oxford and Cambridge possessed at all times wide privileges of asylum, and Prof. Thorold Rogers accepts this notion, that from the date of the expulsion to 1840 or thereabouts, a Jewish settlement existed in Oxford in Penny Farthing, now Pembroke, Street, on the outskirts of the original Jewish quarter of the city. There are, however, no proofs at present for this tradition, although it is only natural that men learned in the Hebrew tongue would be well received in an University town. In 1608 two Jews, who were not members

[1] Sidney L. Lee, Elizabethan England and the Jews (in the Transactions of the Shakespeare Soc., 1881, p. 151).

[2] Lucien Wolf, Papers read at the Anglo-Jewish Exh. p. 60.

[3] *Op. cit.* p 161.

of the University, were allowed to read in the Bodleian Library, viz. James Wolfgang, who is described in the certificate of admission as 'a man well deserving in the Hebrew tongue, and a convert from Judaism,' and James Levita, who is described in the register of the Library as 'Judaeus Orientalis.' A young Jew named Jacob Barnett was known at Oxford at the same time. His Hebrew learning procured for him something like close intimacy with the chief professors and tutors of the University. About 1609 Casaubon met him at Oxford, and engaged him as his secretary. But Casaubon's means were small; with deep regret he parted with Barnett in June, 1613, who returned to Oxford. Casaubon had discussed religious topics with the young man, and saw in him a likely subject for conversion. The Vice-Chancellor was informed that Barnett was willing to be baptized, and Casaubon was consulted by the Oxford authorities as to the fitting ceremony to be observed. A day was fixed for a public baptism, but when it arrived Barnett had fled the city. The proctors searched in vain, and much wrath was manifested in Oxford. But Casaubon more wisely smiled at the Jew's escape, and wrote to an Oxford friend that he did not think it a crime punishable by law to refuse to become a Christian. The sleeping edict of expulsion was, however, awakened, to deal with this case of contumacy. From an entry in the Privy Council Register it appears that 'Jacobus Bernatus, a Jew,' was banished from England on 16th Nov., 1613[1].

Early in 1626 Queen Henrietta Maria applied to the Oxford University for some special favour to be shown to Antonio Maria de Verona, whom she described as her servant. The request was formally granted. Although Antonio is almost invariably described as a Jew, the name Maria would suggest that he also was a convert. At a little later date a Jew named Alexandro Arniedi, a Florentine by birth, taught Hebrew at Oxford, who also became converted to Christianity[2].

In 1650 the Jew, Jacob, opened a coffeehouse at Oxford[3].

[1] Lee, *op. cit.* p. 162. [2] *Ib.* p. 163. [3] L. Wolf, *op. cit.* p. 77.

The doctor's diploma, said to have been given by the University of Oxford, to Samuel son of the famous Menasseh ben Israel in 1655, has been proved a forgery[1].

Finally Isaac Abendana occurs in the accounts of Magdalen College as receiving, in 1691, £2 for teaching Hebrew in this College. He edited the Oxford *Almanack and Jewish Calendar* from 1692 till about 1700, and resided in Oxford during that period, his chief patron being Dr. Arthur Charlett, Master of University College[2].

[1] See Israelitische Letterbode, i. No. 8 (1875).
[2] Macray, Annals of the Bodleian Library (2nd edition), p. 134.

SUPPLEMENTARY NOTE TO P. 285, NOTE 1.—This site was owned in 1228 by David, a Jew, and on it in the fifteenth century was built the lower Guild Hall. The upper Guild Hall adjoining it on the north was on a site also owned early in the reign of Henry III by Mosse the son of Isaac, a Jew, from whom it passed to the King, and from him in 1229 to the City (Wood).

PART V.

LINACRE'S CATALOGUE OF BOOKS

BELONGING TO

WILLIAM GROCYN IN 1520

TOGETHER WITH HIS ACCOUNTS AS EXECUTOR

FOLLOWED BY

A MEMOIR OF WILLIAM GROCYN.

CATALOGUE OF BOOKS BELONGING TO WILLIAM GROCYN,

Taken after his death by his Executor, Thomas Linacre, in 1520, *and discovered among the archives of Merton College* (*No.* 1046) *in* 1889.

[As it happens that the list of Grocyn's books was made out by Linacre in 1520, which is the precise year when the catalogue of the books of the Oxford bookseller, John Dorne, was made, several of them are, as might be expected, identical. It has not therefore been thought necessary to repeat the description of editions, &c., which Mr. F. Madan appended to that catalogue, in Vol. I of 'Collectanea,' published in 1885. Nor are any notes required for several other books of Grocyn's, which had already been often edited, and formed part of the stock of every scholar. In all other cases, where the book can be identified, a note is appended, and a 'quaere' inserted in those very few instances where identification has been found impossible. It will be observed that Linacre, when he jotted down in his note-book, or rather stray sheets of notes, the titles of his friend's books, was not making a scientific catalogue. Many of the books have just the short titles by which he was accustomed to recognise them, and thus some additional cause of uncertainty presents itself. This has, it is hoped, by the help of learned friends who have kindly assisted the Editor, been reduced to a minimum. The meaning of the letters, 'P,' 'L,' and '⊙,' prefixed to certain books is unknown, but they seem to stand for the persons to whom the books were lent.]

[Col. I.]

L ⊙ P. Augustinus de Ciuitate Dei cum com[mentario] paper in prynt.

P. Novum Testamentum Grecum et Latinum . paper in prynt.

Valerius Maximus cum com[mentario] . . paper in prynt.

Expositio Georgii in Naturalem Philosophiam . p. in pr.

Sermones Augustini de Tempore . . . . p. in pr.
[Printed at Basle by J. de Amerbach, 1495.]

Scotus . . . . . p. in pr.
[No doubt Duns Scotus.]

Aristoteles de Animalibus, interprete Theodoro [Gaza] p. in pr.

Epistole Tullii familiares cum com[mentario] Vb . p. in pr.

Opera Ambrosii . . . . . p. in pr.

P. [10] Opera Seneche . . . . . p. in pr.

Versor super libros Ethecorum . . . . p. in pr.
[Printed at Cologne, 1491, 1494, and 1497.]

Plinius de historia Naturali . . . . . p. in pr.

Alminach Johannis de Monte Regio . . . p. in pr.
[Or 'Regiomontanus.' Probably the Perpetual Almanac printed at Venice by P. Lichtenstein, 1498.]

Opera Anselmi . . . . . p. in pr.

Opera Bone Venture . . . . . p. in pr.
[Printed at Strasburg, 1482.]

Omnia opera Tullii . . . . . p. in pr.
[Printed at Milan by A. Manutius, 1498.]

Occam super libros sententiarum . . . . p. in pr.
[Printed at Lyons by Trechsel, 1495, 1496, 1497.]

Epistole Philelphi . . . . . p. in pr.

P. Comedie Plauti . . . . . p. in pr.

[20] Epistole Ihironim[i] . . . . . p. in pr.

P. Adagia Erasmi . . . . . p. in pr.

Suetonius . . . . . p. in pr.

⊙ Philippice Ciceronis cum com[mentario] . . p. in pr.

P. Opera Apulei . . . . . p. in pr.

Casus longi Bernardi . . . . . p. in pr.

Plinius in a forell [or cover] . . . . . p. in pr.

Opera Aristotelis, interprete Argeropilo . . . p. in pr.
[Printed at Augsburg by Keller, 1479, and at Venice by J. and G. de Gregor., 1496.]

Vita[e] Philosophorum . . . . . p. in pr.
[Probably by Walter Burley.]

Orationes Tullii . . . . . p. in pr.

[30] Tractatus Sancti A[u]gustini . . . . . p. in pr.

Aulus Gellius . . . . . p. in pr.

Pomponius Letus [:] Vegetius de Re Militari . p. in pr.

Eusebii Temporum Breviarium [Chronicon] . . p. in pr.

Tractatus de Instructione simplicium confessorum [*quaere*] . . . . . p. in pr.

Questiones Augustini . . . . . p. in pr.
[Printed at Lyons by Trechsel, 1497.]

⊙ Nicholai Perotti Cornucopie . . . . . p. in pr.

Sanctus Thomas super libros sententiarum . . p. in pr.

Distructorium Vitiorum . . . . . p. in pr.
[By Alex^r. Carpenter. Printed at Paris, in fol., 1516.]

Questiones Aristoteles [*sic*] . . . . . p. in pr.

[40] Fichinus in conviuium Platonis . . . . p. in pr.
[Ficinus' 'commentaria in Platonem' was printed at Florence, 1496.]

Septipertitum opus de contractibus pro Foro Conscientie [*quaere*] . . . . . p. in pr.

Fischini compendium in Tymeum . . . . p. in pr.
[Ficinus' 'Compendium in Timaeum' was printed at Florence by L. Venetus Sineamo.]

[Col. 2.]

P. Plutarchi Vita[e] . . . . . p. in pr.
[This must have been a Latin Translation, since the original was not printed till 1517; unless indeed it were a copy of the new book acquired by Grocyn just before his death.]

Holcott super Sapientiam Salamonis . . . p. in pr.

Eneas Siluius in artem rethoricam . . . . p. in pr.
['Praecepta artis rhetoricae,' printed at Bâle, *n. d.*]

Valerius Maximus cum com[mentario] . . . p. in pr.

⊙ Opera Boetii . . . . . p. in pr.

Epistole Cipriani . . . . . p. in pr.

Boetius de Consolatione P[hilosophiae] . . . p. in pr.

[50] Valle interpretatio Novi Testamenti . . . p. in pr.
[Valla's Notationes in Nov. Test. were printed at Paris in 1505.]

Sermones de tempore . . . . . p. in pr.
[? by Bonaventura.]

Opera Johannis de Gereonno [? Gersono] . . p. in pr.

Suetonius de Vita Cesarum . . . . . p. in pr.

Castigationes Harmolai in Plinium . . . p. in pr.
[Plinius ex castigationibus Hermolai Barbari; fol. Ven. Bernard Benalius: 1497.]

P. Cornelius Tacitus . . . . . p. in pr.

Opera Cenice [? Senecae] . . . . . p. in pr.

Speculum Exemplorum . . . . . p. in pr.
[Collected by Ægidius Aurifaber.]

Petrus de Aquila in libros sententiarum . . . p. in pr.
[Printed at Spires by P. Drach, 1480.]

Tractatus Augustini super tertiam Quinquagenam . p. in pr.

[60] Bona Ventura super libros senten[tiarum] . . p. in pr.

Orationes Tullii . . . . . p. in pr.

Iuuenalis et Persius cum commentariis . . . p. in pr.
[Probably bound together.]

Valerius Maximus [a second copy] . . . p. in pr.

Titus Liuius . . . . . p. in pr.

⊙ Franciscus Patrarcha Memorandorum . . . p. in pr.
[Printed before 1500, *n. d.*]

Vita Cristi, meditationes . . . . . p. in pr.
[Meditationes vitae Dom. nostri J. Cristi, by Bonaventura, 1468–1493.]

Valerius Maximus [a third copy] . . . . p. in pr.

Scotus [a second copy] . . . . . p. in pr.

Gaguinus de Gestis Francorum . . . . p. in pr.

[70] Valla super Psalterium . . . . . p. in pr.
[? Walensis super Psalterium Lettou: London; 1481.]

Vergilius cum com[men]t[ari]o . . . . p. in pr.

⊙ Origenes . . . . . p. in pr.
[The Homilies were printed 1475; the Contra Celsum, 1481; and Opera, at Paris, 1512.]
Didascalicon Magistri Hugonis [de Sancto Victore] p. in pr.
[Printed along with W. Drach's Vocabularium by P. Drach at Spires, 1483.]
⊙ Asconius Pedianus in Senatu contra Pisonem . . p. in pr.
Georgii Trapisontii Rethorica . . . . . p. in pr.
[Printed at Venice, 1470, and Milan, 1474.]
Nicholai de Lira tres partes [in Biblia] . . . p. in pr.
Sermones Quadragesimales . . . . . p. in pr.
Commentaria Cesaris . . . . . p. in pr.
Enee Siluii Epistole . . . . . p. in pr.
[80] Thome Aquinatis secundus liber secunde partis . p. in pr.
Cosmographia Tolomei . . . . . p. in pr.

[Col. 3.]

Lis Christi et Beliall . . . . . p. in pr.
[? if by Jacobus de Theramo.]
Ludolphus super psalterium . . . . . p. in pr.
[Ludolphus de Saxonia, author of Vita Christi.]
Heraclidis Herimite Paradisus . . . . . p. in pr.
[Printed at Paris, 1504.]
Expositio Sancti Ambrosii . . . . . p. in pr.
[? St. Ambrose's 'Explanationum Evang. S. Luc. X libri,' printed, 1476.]
Augustinus de Ciuitate Dei . . . . . p. in pr.
Moralia G[r]egorii Pape . . . . . p. in pr.
Concordantie Biblii . . . . . p. in pr.
Secunda Quinquagena [Augustini] . . . . p. in pr.
[90] Dialogus qui vocatur 'Scrutinium' . . . . p. in pr.
[Probably printed by Ulric Han.]
Psalmi psalterium cum expositione . . . p. in pr.
Operum Ambrosii tertia pars . . . . . p. in pr.
⊙ Opera Petri Criniti . . . . . p. in pr.
[Printed at Florence, 1504, and Paris, 1508, 1510, 1513.]
Breuiarium Sarum . . . . . p. in pr.
Bonifacii historia in persecutionem Christianorum [*quaere*] . . . . . p. in pr.
Aristoteles de Animalibus, interprete Theodoro [a second copy] . . . . . p. in pr.
Decades Sancti Augustini . . . . . p. in pr.
[This is the same book as St. Augustine's Expositiones in Psalmos.]
P. Lucretius de Rerum Natura . . . . . p. in pr.
Cassiodorus in psalterium . . . . . p. in pr.
P. [100] Suetonius cum commentario . . . . p. in pr.

Marchimanlii [Manilii] Astronomicon . . wr[itten] paper.
[Probably now the MS. CCC. 66.]

Philosophia Danielis de Marlach . wr[itten] parch[ment].
[Probably now the MS. CCC. 95.]

Scotus in iiii^tam^ sententiarum . . p[aper] and pr[ynt].

Metaphisica Boneti . . . wr[itten] in parch[ment].
[Printed at Barcelona by P. Miguelis, 1493.]

Sermones Dominicales . . . . . wr. in parch.
[Sermons with this title were printed at the Hague by H. Gran, 1509, 1513.]

Aristotelis problemata [Quaestiones Naturales] wr. in paper.
[Probably now the MS. CCC. 113.]

Diuicie Dionisii [*quaere*] . . . . . wr. in parc.

Centiloquium Bethemii [de horis planetariis] . wr. in parc.
[Printed at Venice, 1493, 1519.]

Iuvenalis . . . . . wr. in parc.

[110] Tractatus Fratris Martini . . . . . wr. in parc.
[? 'Margarita Decreti,' &c., by Frater Martinus, printed frequently, 1481–1500.]

Iulius Seueri[a]nus de vii^tem^ disciplinis . . wr. in paper.
[Now a part of the MS. CCC 100.]

Elegantie Vallenses . . . . . pryntid paper.

Duodecim prophete . . . . . wr. in parch.
[? if MS. CCC 16.]

Isagoge Alcabere [Alchabitis] . . . wr. in parch.
[Liber isagogicus de planetarum conjunct. Printed frequently at Venice after 1473.]

⊙ De casibus uirorum illustrium Boccatius . wr. in parch.
[MS. copies of this are in the libraries of Lincoln Coll. (XXXII) and Magdalen (CXCVIII).]

Introductorium Alcabu[tii] [Alchabitis] . . wr. in parch.
[Probably the same as the Isagoge. A MS. of this is in Merton Coll. Library (CCLIX). Printed at Venice in 1485.]

Liber de Vegetabilibus [*quaere*] . . . wr. in parch.

In principio erat verbum . . . . wr. in parch.

Iheronimus in vita Patrum . . . . wr. in parch.
[Probably the same that was printed at Ferrara, 1510. What seems to be a copy of this MS. is in Univ. Coll. Lib. (LXI. 5).]

L ⊙ [120] Dictionarium Grecum . . . . . prynt in paper.

[The following list is written on a small piece of paper in a different hand. These books were perhaps lent to different people or Colleges. They all occur in the above list, and nearly all with 'P' (? Plumtre), 'L' (? Linacre), or '⊙' marked against them :—

Plautus.
Origenes.
Adagia.
Pedianus.
Seneca.
Boccatius, Gellius—Corporis Christi Collegio.
Plutarchi Vitae.
Valerius Maximus.
Phi[lippicae] Cice[ronis]. Apuleius.
Tacitus.
P. Crinitus.
Boetius—Plumtre.
Persius, Juuenalis.
Suetonius—Collegio Nouo.
Per[otti] Cornucopia.
Petrarcha.
Lucretius, Pom[ponius] Mela.

THE ACCOUNTS OF THOMAS LINACRE AS EXECUTOR OF WILLIAM GROCYN

(IN HIS OWN HAND.)

[FOL. 1.]

[Title.]

EXPENSA PER THOMAM LINACRUM PRO GULIELMO GROCINO IAM DEFUNCTO.

[FOL. 2.]

EXPOSITA PRO M[AGISTRO] W. GROCINO.

Inprimis per manus Thomae Taylyour, famuli eius, for a blanket of whyte lambe skynnys .	vs.
Item payd to Peerson the Poticary . . .	iiiis. viiid.
To George Carleton, poticary	xxvis. viiid.
Item for a gown cloth for Thomas Taylyour, iii. yardys and a quarter	viiis. ixd.
Item to M[aister] Bell for dett [Note in marg.: 'He was hys parysh preest in Saynt Laurence.'] . .	xiiiis.
Item for horsemete at Langley Park for half a yeere, and for shooyng	vs.
Item to Thomas Taylyour for hys wages for Mighelmasse Quarter, the last that he seruyd hym	xs.
Item to W. Lyly, M[aister] Grocyn's godson, for hys bequest	vs.
Item, uigilia Corporis Christi [i. e. on June 6, 1520] payd to M[aister] Carket for M[aister] Grocyn's testament and lettre of feofement . [Perhaps the title-deeds of the house left to Taylyour.]	xs.
Item for hys mannys wages to Maydeston for v. dayes	xvis. viiid.
Item for hys costes	iiiis.

[FOL. 3.]

xx. Iulii, 1520, exhibui testamentum M[agistri] Grocini apud Lamehythe, et solui pro probatione	xiiiis.

Item pro lapide pro monumento eius . . xliiis. iiiid.
Item pro vectura a conuentu Fratrum Sancti Dominici Londini usque ad Wulkey [? Wool Key] . . . . . xiid.
Item pro vectura de Wulkey ad Maydeston . iiiis.
Item for costes of M[aister] Garth and Thomas to Maydeston for the stuff and for the bookes vs. iiid.
Item for cranage and caryage of a fatt of bookes iiiid.
Item for the fatt . . . . . xvid.
Item for brekyng of a portey . . . . iid.
Item for costes in sendyng for the Greke bookes xixd. ob.
Item pro compositione pro test[ament]o . . xs.
Item acquietantia . . . . . iis.
Item clerico Decoñ de capella pro scriptura littere regie . . . . . viiid.

[Fol. 3 d.]

Item to my Lord of Cant[erbury's] prayser for seeyng of M. Grocyn's bookes, howbehyt he cowth set noo price on them . . . . xxd.
Item for caryyng of bookys to Saint Thomas of Acres [more usually called 'of Acons'] . . iiiid.
Item for caryyng of Master Grocyn's coverlet, with odre thynges, from Maydestan . .
Item to the porter for the same . . . iid.
Item for corde . . . . . a peny.
Item for restyng of Gore . . . . . xd.
xxix. Augusti, M[l]DXXII. Item delyuerd to Mr. Dancaster to dispose in almesded for Mr. Grocyn's sowle, iiii. marc', xxd. and at ly pyd noble [? the name of some hostel.] . . .
Eodem die, commisi dispositionem pecuniae Magistri Grocyn quae in Oxonia in manibus Magistri Claymond ibidem Magistro Claymond et Magistro Dankastre . . . . .
Item reseruaui in casketo pro Iohanne Clement xls.

[Fol. 4, 5, 6, 7, blank.]

[Fol. 7 d.]

Item M[agistro] Person duarum ebdomadarum mensa . . . . . iiis.
Item pro Nicholai Brown chirurgia . . . xld.

[Fol. 8.]

In iure [incomplete entry]	
Turnero	iiis.
Famulis Decani	iiiid.
Nunsio	iiiid.
Item Turnero pro summa descripta . . .	iiiid.
Item littera ad Priorem	viiid.

[Fol. 8 d.]

Elemosinae pro W. G.

15 Martii, 1520, i[d est] Iovis post Sancti Gregorii, vidue [*blank*] Cooke diu egrotanti .	xxd.
[The context shows that the year 1520 is reckoned after the modern custom known as 'the Historical year.']	
Item 17 Aprilis Ioanne Hyl egrote . . .	xxd.
Item Iohanne Hyl, circa festum Sancti Thome .	xld.
Item fratribus Sancti Francisci Lond[on] . .	iiiid.
Item vidue Cooke, xx. Iulii	xxd.
Item postridie Magda[le]ne, [July 22] vidue Reve	xd.
Item xxvi. Iulii Ricardo Ioonys ad libros Louanii pro scolaribus emendos	xs.
[*In marg.*: Donati Oxon[lensibus] et stud[iosis].]	
Item ultimo Iulii ux[ori] Brown . . .	xld.
Item 8° Augusti Domino Laurentio, fratri Sancti Thomae de Acres	xls.
Item M[agistro] Laurentio Barbour in vigilia Sancti Laurentii [Aug. 10]	vis. viiid.
Item fratribus Sancti Francisci	viiid.
Item Nicholao Brown	viiid.
Item D. Roberto Barton	vs. xd.
Item in elemosinis	vid.
Item Nicholao Brown pro chirurgia et tecto .	xiiiid.
Item [*blank*]	viiid.
Item pauperibus ebdo[a] [ebdomada] Sancti Nicholai	
Item sent to Loven by Mr. Lylly for Greeke bookes to gyve	xls.
Item scolari Bokyngham	iis. iiiid.
Item Nicholao Brown	xiid.
Item iii. Martii pro libris Lovanii . . .	xxvis. viiid.
Item Nicholao Brown pro camisia . . .	xid.
Item viduae icterice	xiid.
Item R. Hardyng	xld.

[Fol. 9 blank.]

[Fol. 10.]

Recept.

A Domino Sancti Thome [no doubt 'of Acres' or 'Acons'] quas ille accepit de Bedello . x. li.

Pro equo . . . . . xxxs.

De Magistro Penynton pro portione dimidii anni, xii. diebus exemptis, xxs. De reliquo D[om.] W. Page habet vii. libras, ut Ma ister dicit; et due libre reseruantur donec loquar cum Cantuariensi . . . . . .

Recept. de Domino Unfredo per manus Magistri vi. li.

Recept. pro fundo Magistri Grocyn pro duobus annis . . . . . v. li. vis. viiid.

Recept. pro 2bus amicys Grocini de Episcopo Calipolensi [Dr. John Yong, titular Bp of Calipoli, an ecclesiastical lawyer] . . . xxvis. viiid.

Item pro Theophylacto a me ipso . . . .

[*In marg.*: Queritur, quia in computo Tunstalli.]

Item pro libris missis ad Collegium Corporis Christi in partem solutionis, recept. a Magistro Claymond . . . . . v. li.

Item de [*blank*] Goore . . . . . xxxvis. viiid.

[Fol. 10 d.]

xio Februarii De Domino Page in partem solutionis . . . . . xls.

[Fol. 15 d.]

Tomos Hieronymi Grocini habet Latimerus [et].

Philip[picae] cum Appuleo . . . . .

Boetius—Plumtrio . . . . . .

[Fol. 16.]

Libri traditi M[agistro] Thomae Lupset pro Collegio Corporis Christi in Oxonia, pro quibus soluet Presidens pretium quod Magister W. Latimer prescribet.

[121] In primis Plotinus Grece, 2o fo. ἃ πάσχοι.

Item Damascius Ph[ilosoph]us, 2o fo. πλασιαζόμ[ε]

Item Proculi opus, 2o fo. τῆς σκέψεως ἀξιοῦτ[αι]

Item Proculi in Timeum Platonis, 2o fo. ταῦτα πάντα.

Item Quadripartitum Ptolemaei cum commento Grece et in membranis, 2° fo. ὃ τι καὶ ὀφέλιμος ἡ δι' ἀστρο[νομίας].

[With Ptolemy is now bound up, in the library of C.C.C., *Julius Severianus de septem Disciplinis.*]

Item opera Dionysii in membranis, 2° fo. ἐντυγχάνοντες γοῦν.

Item Simplicium de Celo, manu Iohannis Seruopoli, 2° fo. μὴ ποτε δέ, pretium xxs.

Item Physica, de Celo, et generatione Aristotelis script. manu Scutariote, 2° fo. τῷ ποσῷ.

[129] Item Eustrathius in hetica [ethica] scriptus, 2° fo. pretium xxvjs. viijd.

[Fol. 16 d.]

Ad Latimerum pro nominibus librorum quos misit Hiero. Grimbald.

Ad conc. (?) ut tradat libros.

De Gilda memento.

To Mr. Moore for bage.

[Between Foll. 8 and 9.]

The account rendered to Linacre by the man sent to fetch Grocyn's books from Maidstone.

Compotus M. Garth.

To Grayvys end [Gravesend]	liiid.
For a mantyll [? covering for books] . . .	id.
For ii. hors to Rochester	viiid.
At ye bryche [bridge]	id.
For owr dyner	iiiid.
At Madyston for drynk	id.
For owr' supper	vd.
On Frydey for Thomas dyner	iid.
At nygthe for hayl and breyd	id. ob.
For takyng sonder' off ye fenest' [*quaere*] . .	iid.
For a dry fat to cary ye bowkes	xvid.
Item to ye cowper to sett on ye heyd . . .	iiiid.
Item for conveyng yt to ye Coleg	ob.
Item for my dener at Madystoyn	iid.
Item for owr' bed	iid.
Item to ye cowper for a hoyp [hoop] and nalys .	id. ob.

To geyr for conveyng ye bowkes to ye wattersyd .	iiiid.
At Rochester for owr' sowper, fyr', and owr' bed .	viiid.
Item at ye bryge	id.
At Grauys end for our' dyner	vd.
For ye barge and a mantyll	vd.
For ye caryage off ye scoyn [*quaere*] . . .	iiiis.
[On back.]	
For boythyr [boat hire] to Greynwyche . . .	iid.
Item for warfage and craneage and carreage off a dry fat with bookes fro ye water syde	iiiid. ob.
Summa xis. id.	

The account rendered to Linacre by the man sent to fetch the Greek books from Maidstone.

Md for my costes when I went to Maydstone for þe Greke bokes.

In primis for my barge hyre	iid.
Item at Grauys ende	id.
Item at Hallyng ferre	ob.
Item at Maydstone	ii. ob.
Item at Hallyng	ob.
Item at Grauys ende	id. ob.
Item for my barge hyre	iid.
Item for caryage of þe hamper from þe Colege to þe watersyde	id.
Item for Karyage of þe sayd hamper to London .	vid.
Item for þe forfage [? wharfage]	ob.
Item for caryage from þe water to your howse . .	iid.
Sume: xixd. ob.	

Fynche at the Schomakere howse in Lumberde Strete. [Written twice.]

The account rendered to Linacre by the agent who went to Maidstone with the Privy Seal.

In primis when I went with a pryvye seall to the Mr. of Madiston and to Nevyngton [Newington].

Item for my boote to Grenewich	id.
Item my dyner att Grenewich	id. ob.

Item a boote to set me in the barge . . . . id.
Item my barge hiere . . . . . iid.
Item at Grauys ende . . . . . id.
Item att Rochester bridge . . . . . ob.
Item att Rochester all' nyght . . . . . iiid. ob.
Item my costes att Maidston . . . . . vd.
Item att Nevyngton . . . . . iid.
Item att Ockyssryng [? Ospringe] my dyner . . iid.
Item att Canterburye . . . . . iid.
Item att Bolton [? Boughton] al nyght . . . iiiid.

Homewardes.

In primis att Detlyn . . . . . id. ob.
Item att Maidston . . . . . iiiid.
Item att Rochester . . . . . id.
Item att Rochester Bridge . . . . . ob.
Item att Gravys end . . . . . iid.
Item my barge hire . . . . . iid.
Item a mantill . . . . . id.
Item att Billingsgate . . . . . iiid.
Item att the terme tyme after Cristenmas . . .
Inprimis for my boote att dyuerse tymys and Mr. Ascote . . . . . viid.
Item att the terme att after Ester for my boote hiere att dyuerse tymes and my costes . . . . xxd.

Somme hes [is]: vs. viid.

MEMOIR OF WILLIAM GROCYN.

IT is not every day that we find ourselves in the library of a great English scholar and teacher who flourished when the Renaissance, already flooding with light the Italian Peninsula, had but lately dawned upon this remote island. It has been said, however, that in no other country did the dawn more rapidly turn to day than in England. This is true in the main, but its suddenness has been exaggerated. At any rate to no Englishman was the sure and steady preparation for the English Renaissance by means of the New Learning more distinctly due than to William Grocyn,—'the patriarch of English learning,' as Hallam has rightly called him[1]. It is this which lends a peculiar interest to the discovery of a list of Grocyn's books, which has just been made amongst the archives of Merton College. The list was taken by his friend and executor, Linacre, and written out by that great scholar himself. Along with it, also in Linacre's hand, was found an account of the expenses attending the executorship, and a few items of less importance concerning the expenses of the persons employed in the business by the executor[2]. The Warden and Fellows of Merton have kindly allowed this interesting MS. to be printed by and for the Oxford Historical Society, and it is only a proper return to them that some attempt should be made to recover from contemporaries the true history of the owner of the library, and to give some account of the books themselves[3].

[1] Literature of Modern Europe, i. 380.

[2] Linacre's executors decided upon establishing at Merton the University Professorship of Greek, for which he had left an endowment; and these papers were fortunately consigned to the College, along with those referring to the Greek Chair.

[3] Some apology is perhaps necessary to those who would have preferred that

Grocyn's memory has suffered from the fact that he has left so little literature behind him to remind the world of his existence,—perhaps also from his fame having been eclipsed by that of his friend Linacre, who has certainly made a very much larger mark, not only by his writings, but by the great institutions he founded. To have been the first man in Europe who effectively applied the New Learning to the development of medical science, and to have founded the famous English College of Physicians, would have been title enough to the gratitude of posterity; but Linacre also founded Lectureships in Greek at both Oxford and Cambridge, and was so much identified with the impulse given to Grammar by the Renaissance that it was questioned in the sixteenth century 'whether he was a better Latinist or Grecian, a better grammarian or physician.' His tutorship of royal personages gave him a place at Court, and his fine translation of Galen found numerous readers. He has therefore fame enough and to spare, without attaching to his memory, as is often done, the credit of being the first Englishman to introduce the New Learning into Oxford, and from Oxford to the country at large. That credit belongs to Grocyn, whose career must now be briefly sketched, and, it must be added, cleared of certain inaccuracies which have crept into even the most recent accounts of it.

That there should be such errors ought not to excite surprise. The difficulty of arriving at anything like trustworthy history as to leading personages of England in the fifteenth century has been long felt and too well understood; how much more so when we have to piece out the biography of obscurer persons from the meagre records of a revolutionary period. At the time of Grocyn's birth the English language, which had made such an advance in the preceding century,

the passages quoted from contemporaries should appear in their original Latin. One cannot please everybody, and can only express a hope that those who prefer translations will find them faithful and intelligible. The references to Erasmus are to the Leyden Edition of 1703.

had scarcely come into use for prose composition, and the Latin Chroniclers, finding that the colloquial use of the barbarous medieval Latin which they had learnt was going out of date, were ceasing to write. Thus the most obscure period of history since the Conquest occurred just before the very commencement of the Renaissance—a dark chamber lying between a dimly-lighted room on the one hand, and the open day on the other. The cessation, in the reign of Richard II, of the practice of teaching French to boys, opened the way for that more general teaching of Latin with which the fifteenth century commenced; and the barbarisms introduced during the Middle Ages were in the first half of the century beginning to disappear under the influence of the Latin Classics which the French, incited by Petrarch, had been the means of introducing to northern Europe. Greek followed. Thus from the study of partially-formed modern languages men were led back to the sources of intellectual culture, and soon becoming saturated with classical literature, applied their knowledge to innumerable purposes.

Grocyn's career commenced at Oxford just when the advance which the age had been making in these respects found him prepared to profit by it. The exact date of his birth is not known, but the Registers of Winchester and New Colleges, when subjected to careful examination and comparison, entirely contradict the usual assertion that he was born in 1442. He could not have been born till four years later than that; for he was admitted Scholar of the former in September, 1463, and full Fellow of the latter in 1467. Now a Winchester Scholar could not have remained in College after the age of nineteen; he must, in accordance with the Statutes of New College, have been under twenty when admitted a Probationer Fellow, and have remained a Probationer for two years previously to admission as a full Fellow, which leaves him only two years for his College life at Winchester. At that College no boy was admissible who was less than eight, or more than twelve years of age, unless,

being under the age of seventeen, he was sufficiently 'informed in grammar' to be capable, in the judgment of the electors, of completing his education before the end of his eighteenth year. Grocyn must therefore have entered under this exceptional clause, and have been about seventeen when admitted; and so born c. 1446.

Another error in the received notices is the statement that he was born at Bristol. That was his place of residence when admitted at New College; but the Winchester College Register states that he was born at Colerne, and gives parentage and date of admission as follows:—'*Gul. Grocyn filius tenentis de Colerne admissus XXVI die Septembris, Edw. IV* 3°.' Here we obtain the position of the father, and at the same time the reason why the son was sent to the St. Mary Winton Colleges. At Colerne, an average-sized village in Wilts, not far from Bath, the College had property: it was also, and still is, a New College living, and the College tenant would have a friend in the parson. 'He was probably a Copyholder,' says the present Warden of New College, Dr. Sewell[1], i. e. probably not a person of any high social position; but the Founder's Statutes gave a preference to natives of places and parishes belonging to either of his Colleges. We have no further clue to the family.

But why was he not sent to Winchester at the usual age? Does the change of residence to Bristol imply an education at that great commercial city, then at the height of its prosperity, and the second in the kingdom? It would certainly contain schools of a superior kind; and the mind of a youth who, no longer a mere lad, was living there in the midst of the great struggle which we call 'The Wars of the Roses,' and in which Bristol took her part, would at least be expanded beyond the range to which the ken of a Wiltshire villager would be

[1] From him and the Rev. J. Du Boulay, Assistant-Master of Winchester School, I have derived my knowledge of the above facts, and thank them accordingly. The Rev. W. Hunt, the best authority on the subject, tells me he has met with no traces of the name of Grocyn in the Bristol records. One would not expect it.

confined. He could scarcely but have known some members of the Bristol contingent which, under the banner of the Ship, helped to conquer the Lancastrians at Towton. This was again the exact period of the grandeur of the Canynges family, the merchant princes of Bristol. Was it one of their clan, John Canyng, who was admitted, along with Grocyn, both to Winchester and as Fellow of New College, though his place of birth was not Bristol, but Chepyngton (Chepyng Norton)? At any rate, in this exceptionally prolonged previous education, which the Electors, wisely as the event proved, held to have produced the required proficiency for admission to St. Mary's College, Winton, we may fairly discern a training which would at least difference Grocyn from most of his compeers, and prepare him to do something which was not in the common routine. Routine is for the mass. Here and there a man is the better for breaking out of it.

It is scarcely necessary to remark that wherever Grocyn was educated for College life, the mere circumstance of his obtaining a place on Wykeham's foundation determined his career as distinct from that of a member of the Religious Orders of the day; or to remind the reader that it was from amongst the Colleges founded by those statesmen and bishops whose Statutes excluded the Religious Orders, that the precursors of the Reformation came forth, as Wiclif and his friends, still earlier precursors, came forth before.

Grocyn was the first of these men, and is justly claimed by no less than three Colleges, New, Magdalen, and Exeter, but in very different degrees of identification with his great name. He was essentially a New College man by training and residence; for he did not resign his Fellowship till 1481, and then only on his presentation to the College living of Newnton or Newton Longueville, near Bletchley, in Buckinghamshire. It was then probably, or soon after, that his connection with Magdalen commenced. It arose from his acceptance of the College office of Divinity Reader, and it was in that capacity that he took part in a Disputation before Richard III in 1483. In

1488 he resigned this office, and passed two years in Italy. On his return to Oxford in 1491 his connection with New and Magdalen Colleges having lapsed, he rented rooms at Exeter for the years 1491, 1492, and 1493. In this domicile within a College with which he had not been connected in earlier life he resembled Wiclif, who similarly rented rooms in Queen's College towards the end of his eventful life.

It is in relation to Grocyn's teaching of Greek in Oxford that the career of the patriarch of English learning has been least understood, and is perhaps, in its earlier part, most deserving of attention. That he left Oxford in 1488 to place himself under the learned Greeks who had settled in Italy after the Fall of Constantinople, and on his return taught at Oxford what he had learned abroad, is only to say of him what is said of Linacre and others, but, as Hallam[1] has pointed out, it does not at all express what is said of Grocyn by both Erasmus and George Lily. The former[2] observes: —'Did not Grocyn himself learn the rudiments of the Greek language in England? Afterwards, when he visited Italy, he attended the lectures of the chief scholars of the day, but in the meantime it was an advantage to him to have learnt the rudiments from whoever were his teachers.' George Lily[3] informs us that he 'was the first to introduce the rudiments of the Greek and Latin tongues into Britain, and soon devoted himself more completely to those studies in Italy under Demetrius Chalcondyles and Politian.' Of course he means classical Latin. Stapleton[4], not indeed a contemporary, but writing in the sixteenth century, explicitly asserts that he was 'the first man of his age to introduce Greek literature into England, and to profess it publicly at Oxford.' There can be no reasonable doubt of this premiership,

Dr. John Noble Johnson, in his Life of Linacre[5], can hardly be thought to have made good his claim of precedence for that

[1] Lit. of Mod. Europe, i. 322.
[2] Epist. CCCLXIII.
[3] Virorum aliquot in Britannia . . . Elogia.
[4] Tres Thomae: Vita T. Mori, p. 12.
[5] Published in 1835.

remarkable man, based on his translation of Proclus *de Sphaera*, some twenty years after Grocyn had been teaching Greek in Oxford, probably to Linacre himself; and Polydore Vergil's opinion in favour of William Lily's precedence is even less valuable than usual, when he tells us, in the last lines of his English history, that it is based on the school-teaching of Grocyn's godson, whose public career began when that of Grocyn had finished. There are more reasons than one for the difficulties which modern authors have found in recognizing Grocyn's precedence. His bright career seems to burst so suddenly on the darkness of England and her Universities that it is relegated to the regions of myth, and though his birth has been placed too early by four years, the difference of age between him and those who were his fellow-workers at the end of the century, is forgotten. The last point will receive illustration as we proceed; the appearance of suddenness will be somewhat removed by resorting to the fountain-head of our information upon this subject.

Leland, the great antiquary, lived too near Grocyn's time to include him or any of the lights of the New Learning as writers in his famous *De Scriptoribus Britannicis*[1]; but he duly and most honourably mentions a certain '*Johannes Candelarius*,' an author, and Warden of New College. The Warden of New College, however, at this time was 'Thomas Chaundler,' a well-known person to Wykehamists at least, since his *Collocutiones*, written in 1462, in which he quotes the anonymous *Chronica brevis de ortu*, etc., *W. de Wykeham*, is one of the authorities on the history of their founder. It has been generally supposed that the accurate Leland was speaking of a different person. Mr. Lyte, for example, in his valuable History of the University of Oxford (p. 386), supposes this John Chaundler

[1] The only exceptions seem to be where, under the heading of Tilly or Selling, in p. 483 of Hearne's Edition, he mentions Linacre '*optimae spei adolescentulum*,' as going in Selling's train to Italy, and being left with Politian for education; and where in p. 486 he records some verses in praise of John Claymond, when a youth at Magdalen, contained in the *Epigrammata* of Robert Viduus. This was the future President.

to have been not the Warden, but merely 'one of the Wykehamists named Chandler,' and the consequence has been that the information conveyed by Leland both as to Chaundler and Cornelio Vitelli has been neglected. But the truth is that the accurate Leland slept for once, and put 'John' for 'Thomas'; and Hearne, when he edited the work from Leland's MS., copied him accurately enough, but neglected to draw attention to the error, even though it had been rectified in the Latin edition of Wood's History of the University and Colleges of Oxford.

This is the more extraordinary on the part of Hearne, seeing that the whole context of Leland's account itself exposes the error, and if others were ignorant of the Latin version of Wood's 'History, etc.,' he at least knew it well enough. But those who have neither studied Leland's account, nor the Latin version of Wood, might easily lose Wood's guidance; for the 'Scriptores' of New College find no place in the English version familiar to everybody. Wood's sarcastic remark in the Latin edition upon Leland's mistake is too pointed to be omitted:—'He it is [Thomas Chaundler] whom Leland, and, after him, Bale, Pitts, and Godwin, call "John"; whence it appears that those who endeavour to obtain a knowledge of the old writers are shamefully forced into making blunders.' Yet the critic must himself be criticised. It is the fate of all. Wood, in copying Leland's notice of Chaundler, omits what would have saved a good deal of trouble to many people, the account of the connection between him and Cornelio Vitelli, the Italian gentleman who was made Praelector of New College by this Warden, and whose first speech or lecture, there delivered, received a set speech or oration in reply, from no less a person than the Warden himself. The latter speech was extant in Leland's time.

Now many have pronounced that Vitelli had initiated Grocyn in the knowledge of Greek, as taught in Italy by the Greek exiles who gave such an enormous impulse to the New Learning; but they were unable to surmount the difficulty

presented by the supposed entire ignorance concerning Vitelli's teaching in Oxford. The first absolute identification of his name as resident in Oxford has been thought to be in 1488, when we happen to know that he dined on Christmas Day with the President of Magdalen. But that was the very year when Grocyn left Oxford to perfect his knowledge of Greek in Italy, so that there was no time left for the relation of tutor to pupil. Linacre has also been said to have owed his first acquaintance with Greek to Vitelli, but he went to Italy in 1485. The vague belief indeed that Vitelli was resident in Oxford, teaching Greek in some form or other for some years before he was summoned to perform the same office at Paris in 1489, was perfectly correct; but by attending to Leland's hint we arrive at something definite, which is also of importance in our present inquiry. The appointment of Vitelli could not have been later than 1475, for Chaundler resigned the Wardenship in that year, and it may have been earlier. There was then ample time for him to teach Grocyn, or any one else that could profit by his help[1]. But first let us see what Leland says of Chaundler, whose leading position in reference to the progress of the New

[1] Wood is hopelessly confused on this point. Having failed to notice in his 'History of the University and Colleges of Oxford' the important part of Leland's statement as to Vitelli (though he had himself detected the error of putting 'John' for 'Thomas'), his account of the Italian in his 'Annals' (1488) remains unintelligible. He there quotes Polydore Vergil for the statement that Vitelli 'came to Oxford in this year [1488], and not before as I conceive,' and lectured in New College. But that author says nothing of the sort. Wood was thinking of Leland's information as to New College, but neglected the all-important point that this Praelectorship at New College was connected by Leland with the Wardenship of Thomas Chaundler, which (as observed in the text) fixes Vitelli as a teacher of the New Learning, at the least, 13 years before the date assigned by Wood. These blunders lead us to suspect, if not reject, Wood's remark that Vitelli was accompanied by other Italian teachers, and was 'much courted by the sages and seniors of the University, and held in admiration by most of the juniors,' though some 'slighted his doctrine and vilified his actions.' He gives no authority whatever for these statements, and it is difficult to reconcile this aspect of Vitelli's treatment at Oxford with the obscurity of his career, and with the contemporary statements of Grocyn's position. No doubt Vitelli was the first to introduce the New Learning at Oxford: Grocyn seems to have been the first to make it generally known.

Learning has, in consequence of the mistake which has been here exposed, entirely dropped out of sight.

It is plain from Leland that Chaundler was no ordinary man. Educated at the two St. Mary Winton Colleges, he is described as a scholar quite superior to his contemporaries, the result of studious habits from his youth, and as the friend and eulogizer of Bishop Beckington, himself a person of no small importance. He was celebrated for the purity of his Latin, 'an extremely rare thing,' says Leland, 'to find even amongst a multitude of doctors who could dispute in the Schools with force and ability upon philosophical and theological subjects, and with no lack of words, but were unskilled in clothing their matter with the graces of elegant diction. Yet there were not wanting Englishmen even then who zealously pursued the study of both Latin and Greek at Padua, Rome, and elsewhere in Italy, and who for the most part [about the middle of the century] resorted to Guarino of Verona. . . . At any rate, to say the least, Chaundler wrote remarkably well both in prose and verse.' He then tells us that he was Warden of New College and Vice-Chancellor of the University. He might have said more; for Chaundler was quite the leading man of his time as a public officer, having been Chancellor for four years, from 1457 to 1461, a Vice-Chancellor in 1463, 1464, 1465, and 1467; and Chancellor again for no less than seven years —from 1472 to 1479. He had in fact only given place as Chancellor, to the brother of the Kingmaker, who made him his Commissary or Vice-Chancellor for the years above-mentioned; and when in 1472, soon after Warwick's death on Barnet field, George Neville was deprived of his great offices, the Chancellorship went with them, and Chaundler again took up his old place. To have governed the University for such long periods in a time of civil war and frequent revolutions, is a strong proof of the position held by this true son of Wykeham. Leland mentions three other works which he left behind him besides that already named.

Although these have not attained any celebrity, we have no occasion to draw much upon our imagination when we are looking about for the influences under which Grocyn achieved his reputation; and it is precisely what we should expect that such a man as Chaundler would be the first to invite a competent Italian scholar, like Vitelli, to be a lecturer at his College.

The Italian himself, however, was not at all likely to be fitted to disseminate his knowledge, clothed as it was in a new form—the Greek being pronounced according to the native Greek system, and the Latin to the Italian—amongst members of a still-backward University. These would probably regard him much as English schoolboys in our own day have been accustomed to regard the native Frenchman, whose teaching when at its best they have loftily considered a mere 'objet de luxe.' This may be the reason of the obscurity that shrouds Vitelli's Oxford life. He would fail to make any serious impression on the place; but we may be sure that Warden Chaundler's urbanity and good sense in making a set public Oration in reply to that of the Italian, couched in the new classical Latin which he could so well compose, were not thrown away on the young Fellow;—we may say 'young,' because, as Chaundler resigned his Wardenship in 1475, he could not have made his Speech later; and even at that time Grocyn was not yet thirty years old. The Italian 'Praelector in New College' would teach Greek there as well as Latin[1], and to attend his lectures would be Grocyn's right as well as delight. He would soon himself be qualified to lecture, and thus would, perhaps for many years, be the real introducer of Greek to the University before he went to Italy to perfect his knowledge. From Oxford his pupils would carry at least the rudiments into the rest of England. This seems to be the interpretation of the words quoted from the above

[1] Erasmus does not place Vitelli high amongst writers of Latin. Opera: Tom. I. p. 1010 (Ciceronianus).

authors, and it is implied in other statements of a less direct nature.

Not that these years were as devoid of literary life and growth as we are often told. Leland, in accordance with the remarks he makes in speaking of Chaundler, gives the names of five English scholars who, before and during Grocyn's early residence at Oxford, had resorted to Italy in order to learn classical Latin *and Greek*, and who became distinguished scholars. The last of them was the famous Tiptoft, Earl of Worcester, destined to prove that the highest culture can do little to prevent or mitigate an infamous abuse of power. Nor was England altogether without materials for the study of Greek; for Leland had seen a Graeco-Latin dictionary compiled by Fleming, Dean of Lincoln, one of these five scholars, and Gray, another of them, had presented a fine collection of MSS., brought from Italy, to Balliol, his own College. Most of them were Oxford men, the precursors of those who made the famous literary pilgrimage of a later date. That movement is generally spoken of as if it stood alone, but the truth is that the English Renaissance was, like most others, a gradual movement. In the later Lancastrian times the noble gift of Duke Humphrey opened up to Oxford men a mass of literature, though not that of Greece, and his example had been followed by many donors. The Yorkist reigns, long before that later pilgrimage to Italy, saw the introduction of printing, and of a largely increased traffic with the Continent; books printed abroad could not but have made their way into England;—no less than 1297 were printed in Italy between 1471 and 1480—the kings of the Yorkist House found the support of the Universities valuable, and steadily patronised them; Richard III was a well-educated man; the foundation of All Souls and Magdalen represented a vigorous educational movement.

Thus many causes were at work in preparing the foundation for a structure which seems in the Tudor reigns to rise as if by magic. It is true that it did not make

much show in the Yorkist reigns; still it may be doubted if modern writers, following Wood, when they speak of the exceedingly low ebb of literature marking this time in England and the Universities, have taken sufficient account of the change already begun. As to Grocyn, at any rate, we may safely gather from the above authors that the scholars who came to hear him and Linacre, and afterwards Colet and Latimer, upon their return from Italy in Henry VII's reign, were prepared by his previous exertions in the cause of classical literature. Nor is it at all likely, with three such men as Chaundler, Vitelli, and Grocyn spanning this preparatory period at Oxford, that they stood alone; yet Grocyn left nothing worth mention behind him; and, if we were to judge of the scholars of the time by the mere survival of literature, we should exclude the very person whom Erasmus declares to have held 'the first place among the many learned men of Britain[1].'

In the same year that Politian was placed in the Chair of Classical Literature at Florence under the enlightened patronage of Lorenzo de' Medici, we hear of Grocyn, as Divinity Reader at Magdalen, making one of a party of four theological disputants who exhibited their skill before Richard III and Bishop Waynflete. Each of them received a buck and a present of money from the king, who, we are told, especially admired the skill and learning of Grocyn. This office of Divinity Reader marks the bent of his studies. While he was, as we suppose, the chief Greek teacher at Oxford he was also a student and teacher of Theology, becoming a Prebendary of Lincoln in 1485, and retaining his living of Newton Longueville, which was at no very great distance from the University. At some date unknown, but about this time—for he resigned it in 1493—he became Rector of Depdene in Suffolk. Meanwhile the fame of the Italian scholars and of the learned Greeks who, in a brilliant succes-

[1] See the notice of Grocyn in Catalogus Lucubrationum: prefixed to Opera.

sion, were still spreading abroad their classical knowledge, was beginning to inflame the minds of English students, and to make them dissatisfied with mere English education. Lorenzo de' Medici's splendid liberality had been contagious, and court vied with court in attracting famous scholars. Political advancement was no infrequent reward of literary talent, and in that respect, however debased the social and ecclesiastical life of the times, it was truly a golden age. So indeed it afterwards became in England under the Tudors.

Into this literary paradise Grocyn was not the first of the new pilgrims to find his way. The young Linacre, or as he was entered on the books of All Souls College when elected Fellow in 1484, 'Lynakre,' went out as early as 1485 in the train of the learned man who had been his tutor at Canterbury, Tilly, more generally known as Selling, Henry VII's ambassador[1]. Entering Italy under these auspices, and favoured by Lorenzo de' Medici, Linacre, the brightest and sharpest of youths,—*adolescentulus* as Leland calls him (which throws some doubt upon his having been born in 1460)—speedily became the friend of Politian, under whom, at Bologna and Florence, and under Demetrius Chalcondyles, in the latter city, he studied, and soon acquired celebrity. His residence at Rome, at Venice, and at Padua, each had its special effect on his remarkable career; but the last most, for at the schools of Padua he developed his medical talents. With him, however, we are not at present further concerned. That he had already attended Grocyn at Oxford we may well believe, though actual proof is wanting. The pupil of Selling was of the exact age during his early residence to profit by the Lectures of the Divinity Reader, which we may be sure, were as much in Greek as in Divinity,—perhaps also by those of Vitelli. The close friendship which existed between the older and younger scholar through life would thus begin with the intimacy contracted at All Souls and Magdalen, the

[1] 'Sellinger' was elected Fellow of All Souls in 1466.

two newest homes of literary activity, and in the joint eager pursuit of common objects. From Linacre, we may fairly conclude, would come the invitation to Grocyn to follow the footsteps of his young friend in Italy. Italy should know that Greek was already taught in England.

That visit of Grocyn's at any rate took place in 1488, when he resigned his Readership at Magdalen, and repaired to Florence, placing himself, though a man of mature age, under the teaching of Linacre's friends, Politian and Chalcondyles. The first was now at his zenith: his famous 'Miscellanea' being published while Grocyn was with him in 1489. The last was the worthy representative of the great school of Greeks which had previously produced Chrysoloras, Argyropulus, and Theodore Gaza. It is of this period that William Latimer of All Souls, who followed Grocyn to Italy a little later, writes to Erasmus in the following words:—'I remember how Grocyn, a man of varied learning and a large and cultivated intellect, gave his entire [solidam] attention for two continuous years to this same literature, even after he had acquired its primary rudiments, and how he studied under those greatest of teachers, Chalcondyles and Politian[1].' It was this common training of the three Oxford students and friends in Italy which naturally suggested that they should jointly undertake a great and much-needed labour, viz. the translation of Aristotle's works into Latin. That gigantic task was pressed upon Linacre at Rome by his friend Hermolai Barbaro, but attempted too late for Grocyn and Latimer, both of whom were much occupied in theological and parochial work. Linacre alone is said to have completed his share; but nothing was published.

We do not again hear of Grocyn till the Computus of Exeter College discloses him as renting a chamber there at Michaelmas, 1491. It has been said that he had lived in this College before he went abroad, but without proof; nor is

[1] Epist. CCCI.

it probable that he would desert Magdalen until he resigned his College office. In this same year, 1491, it is said that he became a Doctor of Divinity[1], but this seems to be a mistake; at any rate he commenced a fresh career of public teaching which has been made so famous by Erasmus, and noticed by so many authors, that his earlier introduction of Greek to the University is forgotten. Modern writers speak of him as 'Professor of Greek Literature in the University of Oxford,' and this, though not technically correct, is practically true, as he was the recognised teacher whose daily lectures in Greek attracted the chief students of the day. He, says Wood, was the first to read lectures in Greek publicly; they were voluntary, not in any way a part of the Academic course. This is apparently not meant by Wood to apply to the teaching of Greek before he went to Italy; but it seems pretty certain that it would apply. Again how long he continued in that capacity after his return cannot be exactly ascertained: for we only trace him at Exeter College as paying 16*s.* a year for his chamber in 1491, 1492 and 1493, but he was more or less resident in Oxford for several years after this. It should be observed that whatever Vitelli's work at Oxford had been, his summons to be a teacher at Paris in 1489 left the field clear for Grocyn, when he returned two years later; and it is only of English teachers that we now hear from Erasmus. It was unnecessary, he says, to resort to Italy or anywhere else for Greek or Latin learning; it could now be obtained in England. He had found amongst the Oxford men whom he names a cultivation of the highest order, polished, accurate and elegant, nothing vulgar nor trivial[2].

This extraordinary man had arrived at Oxford in 1497, and found Grocyn, Linacre and Latimer, all giving public lectures;

[1] By some authors; but it cannot be true; for when appointed by Archbishop Warham in 1506 to the Mastership of All Hallows, Maidstone, Grocyn is styled in the Register 'Master William Grocyn, Bachelor of Divinity,' and is again called 'Master' when his successor is appointed; and Linacre after his death speaks of him not as 'Doctor,' but 'M. Grocyn' or 'Maister.'

[2] Epist. XIV.

but he seems to have learnt chiefly under Linacre. There was already a large infusion of vigorous life. Colet and More had also been sitting at the feet of Grocyn and Linacre. The latter was indeed a mere lad, sent to the University by Archbishop Morton, and soon recalled by his father for fear he should imbibe any of the new notions on religion which were fast entering England along with Greek. But Colet was twelve years older, and rapidly caught from his Oxford masters an irrepressible desire to visit the Italy where they had learnt so much. In his case the years spent abroad, not so much in learning Greek as in more general culture, and especially of theology, produced the result of a profoundly religious character, all on fire to instruct and reform,—a character which exercised an influence not only by a noble simplicity of life, by eloquence, and by ability, but also by the social position of the rich Lord Mayor's son and heir. It is of this time that Erasmus speaks in the well-known passage where he says:—'When I listen to my friend Colet it seems to me like listening to Plato himself; in Grocyn who can help admiring the unbounded range of his scholastic knowledge? What could be more acute, more deep, more refined than the judgment of Linacre? Has nature framed anything milder, sweeter or happier than the disposition of More[1]?'

The concluding years of the fifteenth century must have been a time of great activity for Grocyn, though we possess so little to show for it. It must also have been a period of controversy and struggle; for the new method of pronouncing Greek was of itself a serious difficulty in the way of the teachers of the New Learning; as indeed we may well suppose it was when, at an earlier date, the pupil of Vitelli was painfully making his way before he received any general support. There was more than the mere natural dislike to change what had already become a part of education. We know that this truly English conservatism was fortified, as in the case of

[1] Epist. XIV.

More's father, by a much stronger feeling, the dread of what would come of a familiarity with the language of the New Testament and the early Fathers. It would be the vehicle of scepticism as to the ecclesiastical system which people instinctively felt to be on its trial, and yet, as Erasmus wrote to Colet in 1505:—'I have learned by experience that without Greek one can do nothing in any branch of study[1].' Every mind of any power was at work on the new instrument. Grocyn retained his influence because he had sympathy with both sides of this vital question. Much communication was going on with Italy in matters of literature; and he, along with his friends, who were successively visiting that country and returning to Oxford, was now affecting the literature of the very people from whom they had been learning. The death of Hermolai and Politian had brought the English scholars into greater prominence, and Erasmus was as yet unknown. It is a mistake to place that wonderful man in any position of influence before his time. He took up on a much larger scale, and with a more rapid success, what his Italian, German, and English predecessors had been doing. He was their product;—one factor amidst many in the noble succession of the Renaissance.

No one was more concerned with promoting the growth of the New Learning in the latter part of the fifteenth century, and the first years of the next, till he fell with the decay of Venice, than the learned and large-minded Venetian publisher, Aldus Manutius. Like certain of our modern English publishers, whose names will occur to many, he was not satisfied to look upon the press as a mere means of improving his fortune, but by enterprise, correspondence, and encouragement, he was the soul and centre of a renewed literary progress which had considerably slackened after the death of Lorenzo de' Medici. In his most interesting and little

[1] Epist. CII.

known Preface to Linacre's 'Sphere of Proclus[1],' after which he inserts a letter he had received from Grocyn, he expresses his regret that Linacre had not sent him his edition of Simplicius on Aristotle's Physics, and of Alexander [Aphrodisiensis] on Aristotle's Meteora, so that they might have accompanied the shorter work. 'And still I hope he will soon publish those and his other most useful works on Physics and Medicine, so that from the same Britain whence formerly a barbarous and unlearned literature made its way to us, occupying and still holding our Italian citadel, we who are now learning to speak in Latin, and as becomes men of learning, shall receive a knowledge of true science, and, having with British aid put barbarism to flight, win back our citadel. We shall thus recover it by the use of the very weapons which caused the disaster. Admiring the Latinity and the eloquence of these men, I have thought it well to subjoin a certain learned and elegant letter which William Grocyn, a man of exceeding skill and universal learning, even in Greek, not to say Latin, has sent me. I have inserted it in order that he may shame our philosophers out of their barbarous and unskilful mode of writing, and that in emulation of the Britons, they,—I do not say the older men [*grandaevi*], *γερόντιον γὰρ ψιττακὸς ἀμελεῖ σκυτάλην*—but all the rest, may, in Latin, and armed with the requisite learning, deal with philosophy. As far as Grocyn speaks well of me, put that down to his friendship.'

One cannot but observe with regard to this Preface, that, vehement as the language which the friends of the New Learning used in denouncing the old, Aldus falls no whit behind the most vehement. He is of course denouncing the great English Schoolmen who had succeeded Aquinas in building up for the whole medieval world the grand intellectual fabric which after all was the matrix of modern thought. Their

[1] The *Sphaera* of Proclus, the Alexandrian Platonist, was not published in England till Bainbridge, the first Savilian Professor at Oxford, edited it. It is not much more than a popular description of the globe, as used both for terrestrial and celestial purposes.

enormous learning was now no learning, their Latin not Latin, the fruitful hints even of a Roger Bacon nothing but darkness and barbarism[1]. The eager recognition of Linacre's services to Natural Science are also noteworthy, not only because Grocyn was, if we may judge by his possession of so many books on these subjects, at one with him, but also as characteristic of this particular period, when classical authors were being effectively studied for the express purpose of dissipating the erratic opinions of Medievalism in the various departments of science. The opposition of the ecclesiastical world soon arrested such dangerous progress, but only for a time.

Grocyn's letter only survives because his friend published it. It displays a literary intercommunion between the two countries not altogether unlike that of the 'New Academy,' which Aldus, about this time, so happily grouped around himself. Though too long for insertion, certain portions bear upon our inquiry. The object of the letter is to thank Aldus for his 'singular kindness' to Grocyn's best friend, Linacre, who had just returned to England, to congratulate him on the great work he had completed, and to encourage him in the grand enterprise he was about to undertake. The work he had completed was the publication for the first time of the Greek text of Aristotle; and the writer cannot sufficiently admire not only the books but 'that extremely ingenious artifice which you have invented for spreading Greek literature by means of the press.' This refers no doubt to the new type which Aldus first used in 1498, and which gave such a powerful impetus to classical studies. He then expresses his decided agreement with the judgment of Aldus in putting out an edition of Aristotle instead of Plato. 'For my own part,' he says, 'I think the difference between these great philosophers is simply that between πολυμαθῆ and

[1] M. Didot, in his 'Alde Manuce,' observes that Aldus 'wrongly' attributes this 'barbarous' supremacy to the British school: but Aldus knew pretty well the influence which had been exercised over all Europe by Grosseteste, Roger Bacon, Duns Scotus, Ockham, and Bradwardine.

πολυμυθῆ [*sic*]' [a world of science and a world of myths]. We shall probably not be far wrong if we surmise that to the English friends of Aldus may in some degree be attributed the immediately subsequent publication by that prince of publishers, of so many of the great Latin, Greek and Italian Classics which he for the first time presented to the world between 1501 and 1505. Perhaps it is not too much to say that the work of this great man, a private man, coming between the dates of the two high-placed Medicean patrons, the Duke and the Pope, may be held to excel in width and permanence that of either. Grocyn goes on to observe:—'Our Linacre tells me you are contemplating a still more remarkable work, and have already set it on foot,—the printing of the Old Testament in Latin, Greek, and Hebrew, and of the New in Greek and Latin,—a most arduous work and one most worthy of a Christian man. In this if you are but permitted to proceed, you will surpass not only all those who have already dealt with it, but by a great stride, distance even yourself. Go on then, my Aldus, with this work, and prosper; bring forth at last what has cost you so prolonged a labour; for I cannot be brought to believe that so divine an undertaking can fail of success. As to our part of the work, we will omit nothing which is at all likely to be useful in the matter; and as to what we privately owe you, do not trouble yourself. We have taken care that you shall be satisfied at an early day. Farewell.' '*Ex urbe Londini VI Calend. Septembris.*' The year is not given, but the letter was evidently written in 1499.

The head of one literary confederation is here writing to the head of another, and Linacre has been ambassador between them, depositing at Venice his 'Sphere of Proclus,' as an earnest of what he would do in the future. We have no light as to the work undertaken by the English scholars in connection with the proposed translation of the Scriptures, nor as to the material debt for which they were responsible. Perhaps it was for the proceeds of a cargo of the new Aris-

totle; but the terms in which Grocyn speaks of the proposed publication of the Old and New Testament are such as we might expect from the Oxford teacher of Greek, who had also been Divinity Reader at Magdalen, a Church dignitary, and a parish priest. This he sees to be the one great want of men. Profoundly as he valued the New Learning, he was anxious lest it should be of a mere Pagan character. To put the Sacred Scriptures before the world in their original tongue, that was a 'divine work,' the one 'most worthy of a Christian man.' It was not however to come from the Aldine press, but lingered on till the scholar who had learnt his Greek from Grocyn and Linacre, and cultivated his intellect and his soul in close companionship with Colet and More, the great Erasmus, was prepared to take up, at least, the New Testament. It was scarcely possible that it should be done in Italy, now breaking up under the hoofs of contending hosts. The troubles experienced even by Erasmus, though safe at Basle, from those who dreaded the emancipation of Christendom from the Vulgate, are a commonplace of history. We may perhaps consider him, in this respect as in many others, the product of the English school.

The letter to Aldus was dated from London. To that city Grocyn, like the rest of the little group of Oxford leaders, was gradually attracted. In 1496 he accepted the Rectory of St. Lawrence, Jewry, a living belonging to Balliol College, but the appointment to which seems to have lapsed to the Bishop of London. It by no means follows that he resided. Linacre notes on his Executor's account, where he mentions the payment of a 'dett of xiiii*s.* to Master Bell,' that 'he was hys [Grocyn's] paryssh preest in Saynt Lawrence.' For how many years before Grocyn's death Bell occupied that post we do not know. He may have been preceded by one or more 'parish priests,' or Grocyn may himself have served the church occasionally for some years, keeping, as we should now say, a curate in charge. At any rate, we connect him with both Oxford and London till

towards the close of the century. When he did migrate from Oxford his change of residence was more or less connected with that of Linacre, but neither do we know the movements of his friend with certainty before he became tutor to Prince Arthur, about 1501; only that he was making a second visit to Italy in 1498 or 1499, and that Erasmus was learning from him at Oxford in some part of those years. The opening sentences of his translation of 'The Sphere of Proclus' show that he was even then making a strong effort to supersede Bernard André as tutor to the Prince, for he begs the Prince to remember his own British subjects, in the style of one who has already had some part in the tuition of this promising and over-educated youth. The friends, however, were evidently not long, if at all, separated, and left the battle between the supporters and opponents of the New Learning at Oxford (soon to designate themselves as 'Greeks' and 'Trojans'), to fight the battle out. To the gentle and modest Latimer of All Souls fell a good share of their burden, till he also retired to his country living. To Fox, More, and Wolsey belongs the credit of securing the survival and triumph of the New Learning at Oxford; to Colet and Lily that of preventing, by the fruitful agency of the young scholars educated in London at St. Paul's school, the possibility of collapse.

Mr. Seebohm[1] has claimed for Colet a complete distinction from his friends on the point of the earnest religious spirit which he brought back from his visit to Italy; while the others, he says 'had returned to all appearance Humanists.' Something depends on the exact meaning attached to this phrase; but Grocyn at least must be distinguished from those whose grasp of the New Learning was a mere matter of culture and intellect. Whatever scattered notices of him we can collect during the later part of his career betray exactly the same combination that we observe in the earlier part, when the Reader in Divinity was also the man who introduced

[1] In his 'Oxford Reformers,' a book which has done much to bring the interesting career of Dean Colet before the world.

Greek to the University. He was much older when he visited Italy, and more experienced than his friends; and his riper judgment, as well as the shortness of his sojourn, would naturally protect him from being a mere recipient of foreign impulses. Whatever might happen to others, he was not likely to start on any fresh course, except so far as he was concerned with the perfecting of his knowledge of Greek grammar, pronunciation, and literature. Judging indeed by his close and unbroken friendship with Colet, we might infer that he found himself in full accord with him on the study of the New Testament after the independent, grammatical fashion as yet scarcely known to English students; and we have full information as to their agreement in admiration of the writings of the so-called Dionysius the Areopagite, which had profoundly affected the whole basis of doctrine held by the future Dean of St. Paul's. The year in which Grocyn lectured upon this subject in St. Paul's Cathedral is not known, but it has been supposed that the lecture was undertaken at Colet's invitation, about the year 1503. On the other hand, Erasmus, in 1529, speaks of the incident as occurring thirty years previously. This would perhaps disconnect it with Colet. At any rate what Mr. Seebohm terms, with so much emphasis, 'Grocyn's Discovery' is interesting and suggestive; we must endeavour to measure his position in connection with it.

The Dionysian writings were something more than a mere spurious work of the fifth century; for they displayed the condition of the early Church, and could not but suggest the differences between it and the Medieval Church-system, too familiar as that system was, with all its terrible contrasts and corruptions, to the English students in Italy. They suggested also the true principles of reform, since they showed that the subjective side of religion was as necessary a part of it as the objective and merely ecclesiastical side. But, whatever their stimulating merits for the fifteenth century, these writings were not those of St. Paul's convert; and, half a century

before Grocyn, Lorenzo Valla, one of the chief leaders of the New Learning, had expressed strong doubts on the subject. These doubts had been silenced, and the new English School had, like the rest of the world, too credulously accepted the work as that of the Areopagite. It remained for Grocyn to expose the imposture, and that in a manner which does him credit. Erasmus thus describes the scene.

The opposition to his own outspoken criticisms, expressed in the 'Colloquies' and 'Paraphrases,' came to a head in 1528, when the Sorbonne launched a series of 'Censures' against the 'heretic.' One of these attacked the ignorance and rashness of Erasmus in denying that the Areopagite was the author of the Dionysian Works. He replies:—'Do you reckon Laurentius Valla amongst the rash and unlearned? I will not speak of myself. I will bring forward one to whom neither want of knowledge nor of prudence can be objected. I mean William Grocyn, the Englishman, who when alive was a man of the most severe and chaste life, exceedingly observant of ecclesiastical rules, almost to the point of superstition, and to the highest degree learned in scholastic theology; while he was at the same time a man gifted by nature with the most acute judgment, and exactly versed in every description of educational knowledge. Some thirty years ago he began to lecture on the "Ecclesiastical Hierarchy" in St. Paul's Cathedral with great applause; and in his Preface vehemently attacked those who denied that the author was the Areopagite, referring, I believe, to Laurentius Valla. But after he had lectured some weeks, and, as it happened, studied more closely and familiarly the mind of the author, he did not hesitate to retract his former opinion before that very same audience, refusing any longer to recognize the author as the Areopagite. Grocyn is by no means forgotten. It will be easy to refute me if I am wrong[1].'

Mr. Seebohm has pointed out that the effect which Grocyn's

[1] Declarationes ad censuras Fac. Theol. Paris. Tit. XXXI. tom. ix. pp. 916, 917. There is another account of this affair in his Commentary on Acts xviii. 34.

'Discovery' produced on Colet was to detach him from the works of uninspired men, and to force him to place his newly-interpreted Bible above all books. We have no such indication in the case of the discoverer; nor does it help us much to pierce the reserve under which his religious opinions are veiled that somewhere about this time the brilliant young Thomas More, even more brilliant and precocious than Colet had been, gave his lectures on St. Augustine's *De Civitate Dei* in Grocyn's church, St. Lawrence, Jewry. These were attended by Grocyn himself, and 'the chief learned in London,' and they could not have been given there unless by Grocyn's invitation or patronage to the youthful lecturer, who had been his pupil at Oxford, and was now at the bar. Nor do we know whether this was before or after the 'Discovery'; it is at least suggestive as to Grocyn's sympathy with those who were trying to extend the New Learning by making people familiar with the early Fathers rather than the medieval doctors; and where could a Father be found less infected with the errors of those doctors than Augustine? Yet, with all his devotion to the New Learning, there was never any sign of deviation from the medieval system of faith and practice. More, defending Erasmus from the charge of 'heresy,' classes him with his intimate friends, Colet, Fisher, Warham, Montjoy, Tunstall, Pace *and Grocyn*, all of whom, he says, were orthodox beyond suspicion. It was impossible to praise any one of them too much [1].

The friends at Oxford had certainly collected together in London some time before 1504, for it is in that year that More writes to Colet expressing his delight, the delight of a youthful enthusiast, revelling in the society of his old Oxford friends:—'Grocyn is in your absence, as you know, the master of my life, Linacre the director of my studies, Lily the dear companion of my affairs [2].' Erasmus, though abroad in 1504, was a star in this galaxy. He was in full communication with them, and in one of his letters writes to Colet, reminding him

[1] Stapleton's Tres Thomae: Vita T. Mori, p. 23.

[2] Letter to an anonymous monk, published 1520. (Jortin's Erasmus, ii. 673.)

that he had lately sent over a hundred copies of his Adagia, of which Grocyn had promised to superintend the distribution. 'And I doubt not he has performed his promise, for he is the most upright and the best of all Britons[1].' This beautiful companionship was somewhat broken up, as far as Grocyn was concerned, by his acceptance in 1506 of the Mastership of All Hallows, Maidstone, from his old friend Archbishop Warham; but he does not give up St. Lawrence, Jewry, till just before his death, and he seems to have resided a good deal in London for many years. We should feel, under the enlightened views of the present day, bound to blame the veteran for accepting and retaining appointments which he could not properly fill,—for being in short what we call a pluralist; but we should have to include the whole medieval Church in our censure. Here and there we find a man like Gascoigne, Chancellor of Oxford University, rising superior to the temptation; but the non-residence of bishops and clergy was the prevailing vice of the system, and one which, more than anything else, convinced reformers of the need of a thorough Reformation. The career of the best men, such as Wykeham, Foxe, and Warham, illustrates the fact as much as that of the insatiable Wolsey.

The best thing we can say of this evil custom is that sometimes the fortunate possessor of these various sources of income made a good use of them. Grocyn must at one time have held at least four preferments at once,—the Rectorship of St. Lawrence, Jewry; the Rectorship of Sheperton in Middlesex; the Mastership of All Hallows, Maidstone; and the Rectory of East Peckham, the last being given him by Archbishop Warham in 1511, but on express 'condition of his placing a Vicar there for the cure of the souls of his parishioners[2].' How were these revenues spent? We are told that they went to support a generous liberality and hospitality, of which we have one very clear example in the case of Erasmus. Writing in 1514 to Roger

[1] Epist. CII.

[2] History of the Parish Church of All Saints, Maidstone, by J. Cave Browne, M.A.

Wentford as to his means of living in London, he says: —'I do not see what arrangement can be made for my residing here with any one except with Grocyn, and certainly there is no one I should more like to live with, but I am ashamed to live at his expense, especially since I can make no return, and he is so kind that he will allow of no payment from me. I have been far from anxious to separate from him, but his extreme scrupulousness quite affected me. Give my heartiest salutations to Dr. Grocyn, the patron and preceptor of us all[1].'

The 'patron of us all!' In that capacity Grocyn was only returning the benefits he had himself derived from the Foundations of Wykeham and Waynflete, the kindness of Lorenzo de' Medici at Florence, and the life-long friendship of Warham, now at Lambeth. As to the last, the relations between him and Grocyn have been somewhat obscured by Dean Hook, in his interesting Life of that prelate. It is true they were both Wykehamists, but not 'schoolfellows' in the usual sense of that word; for, as Grocyn was the senior by about eight years, they could not have been at school together, and Grocyn had a great advantage over Warham at Oxford in the lofty level of Chaundler's Wardenship, which ceased in the year when the younger man became a Fellow of New College. But from 1478 to 1481, when Grocyn vacated his Fellowship, Warham would have been in daily contact at College with the first man of his University; and, until they parted on their respective paths in 1488, he would still have been more or less in contact with him as teacher of Greek and Divinity Reader, close by his side at Magdalen. In that year Warham, who had been studying law in Oxford, commenced legal practice in London, while Grocyn, as we have seen, made his way to Italy. It is therefore a mistake to connect the visit of the latter to Italy with Warham's patronage, for the future Archbishop was not yet in a position to help one whom he must have regarded with reverence as his superior in every respect. At a later

[1] Epist. CLXV. This seems to show that his familiar friends at any rate called him 'Dr.'

date his services were useful to others on their travels, and eminently so to Erasmus, who, on his second visit to England in 1506, was sorely in need of a patron from whom he could receive aid with less scruple than he could from Grocyn. His visit to the Primate at Lambeth, accompanied by Grocyn, has been described by himself, and copied into many books. Grocyn fills a natural place in the story as the old friend of Warham, who introduces to his notice the promising but needy scholar[1]. Though Erasmus had reason to be disappointed at the smallness of Warham's first present, he found, when he came again on his third visit to England, that he had no cause to complain. It may not be improper to trace Grocyn's influence with the Primate in the munificence he then displayed.

The two old friends, Warham and Grocyn, though pursuing different lines of life, would seem to have had much in common besides their liberality,—a liberality displayed indeed in very different degrees of splendour. They retained the Oxford

[1] Erasmus begins the story by describing his labours in translating the Hecuba of Euripides, to which he added an Ode of his own, and a Dedication to Archbishop Warham. Armed with this offering, in which he was following the usual practice of poor scholars, and introduced by Grocyn, he has his audience at Lambeth, and proceeds:—'When the Archbishop had talked to me a little before dinner, and found me not a man of many words, he resumed his discourse with me after dinner in an easy, affable way, and dismissed me with an honorary present, which in his gentle manner he gave me in private, and between ourselves, that he might not oppress my modesty nor raise the envy of others. As we were crossing the water back again Master Grocyn asked me in the boat how much the Archbishop had given me. O, an immense sum, said I, speaking by way of jest. He smiled upon me with such an air that I could not but ask the reason. What, said I, do you think the Archbishop has so mean a spirit that he should not be willing, or so small an income that he should not be able, to give like himself; or do you judge that the book I presented him deserved no greater acknowledgment? At last I fairly told him what the Archbishop had given me, and, it being somewhat below expectation, I asked him what might be the reason why he gave me no more; and upon my urging him for an answer, he told me bluntly that the Archbishop had held his hand, not for any of those reasons I had suggested, but upon a suspicion that I had dedicated the same work in some other country to some other patron. Being a little surprised at this rebuke, I asked him how he could imagine any such thing;—on which setting up a sort of mocking laugh, he said:—"Why you are all accustomed to do that,"—meaning that such tricks were played by some needy travellers.' Catalogus Lucubrationum. (Adapted from Knight's Translation.)

stamp of their times more than the men whom we usually associate with them, the stamp of cultivated literary taste and steady desire for progressive improvement, along with practical piety, and a certain caution which prevented any great departure from the old grooves, especially in religious matters. They were reformers of a mild type, suitable to the transitional age in which their lot was cast; but what we justly call 'the Reformation,' the reformation of doctrine which gradually resulted from throwing off the Papal yoke, the substitution of Primitive purity for the corrupted medieval system—this would never have taken place had it been left to Grocyn or Linacre, Warham or Wolsey, Sir Thomas More, Erasmus—perhaps even to Colet. In this sense indeed Grocyn and Warham might be classed with the Humanists, but certainly not with the mere men of letters, statesmen, and secularized clergy who formed the bulk of that party in the Christian world.

A false idea of his relation to the medieval system has been too hastily extracted from Grocyn's Will. It has been formed from the document given in Knight's Erasmus, which appears there without any intimation that it is a mere abstract, and, strangely enough, an abstract which omits all the peculiarly medieval expressions and provisions which are in the Will. From the supposed absence of the usual commendation of his soul to the Virgin Mary and the Saints, as well as of any provision for the saying of prayers for his soul, it has been concluded that, like Colet, Grocyn had thrown off that class of superstitions. But the original Will at Doctors' Commons does, as a matter of fact, contain these very expressions, though with an absence of such detail on the point of obits, trentals, etc., as was still common in Wills. Nothing, however, can be drawn from the terms of this document. Grocyn, says Erasmus, was struck with paralysis, and 'for a year, more or less, he survived himself[1].' We know that the Will was made on June 2, 1519[2], and that the testator died within two or three months. He may have had

[1] Epist. DCLXXI.

[2] An exact copy of the Will will be found at the end of this Memoir.

no power left to alter the usual form of testament, and we know not what he would have done had he made it earlier.

The small amount of what Grocyn had to leave, after having enjoyed so many benefices, is supposed to be accounted for by the lavish liberality of which we have seen indications; but we have observed that he had only been granted by Warham the living of East Peckham on condition of keeping a Vicar there; he has a Vicar at St. Lawrence, Jewry; the stipend of the Master of All Hallows was, if we were to judge by Linacre's accounts, modest[1]. His ancient friend, with whom he was always associated, and never seems to have had the slightest difference, was the natural person to be his executor and residuary legatee,—thus receiving his books; and Alice, his

[1] When the Collegiate church of All Hallows (or All Saints) was dissolved in 1547, John Leffe (or Leaf), the last Master (who had been Warham's Vicar-general), received a pension of £48 16*s*. 8*d*. So large a compensation suggests that the Master had by this time considerable sources of income besides the sum assigned in Grocyn's case to the Executor. The institution, with its six Fellows, over which Grocyn presided, was founded by Archbishop Courtenay to provide for the Church and Chantry Services, and generally for the parish, as well as for some livings in the neighbourhood granted for that purpose. The College was a large and handsome stone building in the fine perpendicular of Wykeham's time, and fortified with three towers. Newton, in his History of Maidstone (1741), reports that 'the entrance was then left pretty entire, and is very handsome and grand in its kind.' In Poste's History of All Saints College (1847) the College is carefully described,—with elevations and ground-plans. Having fallen into lay hands at the Dissolution it had been used for farm-buildings; some portions had disappeared, and many additions had been made; but the Master's house was, in 1847, fairly recognisable. The buildings have since been adapted for educational purposes, and still present a stately appearance, making a fine object from the river. It has been asserted in modern books that this Collegiate body belonged to the Order of Canons Secular, and it has been thought that Grocyn's Will has settled the question, inasmuch as he leaves his *red gown* to Alice Linacre;—for the Canons Secular alone wore gowns of that colour. But never was the bequest of a gown made to bear a heavier load. There is no indication in Courtenay's Deed of Foundation or other documents, of his 'College of Priests' being connected with any Order of Canons. Lambard, Weaver, Dugdale, Somner, and Hasted may be searched in vain for any other term than a 'College of Secular Priests.' If Grocyn had taken his Doctor's Degree at Oxford we might easily account for his red gown without turning a College of Secular Priests into a College of Canons Secular for that express purpose; but as we have seen that he never did so, we may make what guess we please as to this article of his wardrobe. An irregular custom may have imposed on the Master of a College of Priests the robe of an Order which had so much in common with them. A zealous Wykehamist might object to form one of a Religious Order, but might not object to the gown.

friend's sister, is to receive his scarlet gown—for the old man seems to have left no relations. That he had a house to dispose of rather surprises us. To whom could he leave it more justly than to his servant Thomas Taylour, whom Linacre finds worthy of further gifts out of his old master's property? The Master of All Hallows had indeed been so reduced during the latter years of his life that he had borrowed money on the security of his plate from an old friend and brother Fellow of New College, Dr. Yonge, Master of the Rolls. This good man died two years before Grocyn, but was found to have generously directed in his Will that the plate should be returned without redemption, and it may have been with the value of this restored plate that Grocyn bought the house which he left to his servant. In contrast with this apparent poverty, a fact which corresponds with the liberal character of the Master of All Hallows presents itself in the history of his College. In a year not named, he made a donation to it of 'lands in the Parish of Maidstone, subject to a quitrent of 6*s.* 8*d.* to the Manor of Maidstone[1].' The amount is not given. It is quite possible that this gift may have been beyond his means, and thus have caused his difficulties.

So came to an end, not in 1522, as Wood and many others, judging by the date of probate, have said, but in 1519[2], the well-spent life of the first English scholar of his times[3]; not indeed at the age of 80, as has been generally stated, but

[1] History of All Saints, Maidstone, by Beale Poste, 1847.

[2] Penynton succeeded Grocyn as Master of All Hallows on Oct. 5, 1519, '*per mortem Magistri Grocyn.*' The mistake in the year may possibly have been caused by what looks like the error of the clerk who copied the Probates into the Register. Linacre's private account shows that he proved the Will on July 20, 1520, and the entry is placed amongst other Wills of July, 1520, which come both before and after it; yet the date of Probate is certainly written:—'*Millesimo quingentesimo vicesimo secundo.*' It may still however be that there is something about this date of Probate yet to be explained; for Linacre does not pay the alms required by the Testator till Aug. 29, 1522. The legacies, debts, servants, cost of the monument and transit of books are paid in June and July, 1520: but in August 1522 he gives 4 marks, 20*d*, to be 'disposed in almsded for Mr. Grocyn's sowle,' and other sums for similar purposes. Why not sooner?

[3] Leland's verses to Thomas Bedell, in which he celebrates Bedell's friendship

of about 73, a mistake arising from ante-dating his birth and post-dating his death. He was buried, as he desired, 'at the stalle ende of the Hygh Quyer,' where it seems there is no monument to him, though one has been recently put up by New College at his first living, Newton Longueville. He was the last but two of the series of Masters of this Collegiate church, the patronage of which was placed by Archbishop Courtenay in the hands of his successors in the See of Canterbury.

It is natural to inquire how it was that the man to whom all the leaders of the English Renaissance looked up as their patriarch left so little literature to distinguish him from the crowd. It is from Erasmus that we obtain the statement of fact and the reason; but for once that miracle of literary fecundity scarcely tells us all the facts. In the dialogue called 'Ciceronianus'[1] he says:—'Now amongst the numerous Ciceronian writers in Britain I will only name those whose writings have distinguished them. If I bring forward Grocyn, you will reply that we have nothing of his but one epistle [that to Aldus Manutius, already mentioned], elaborate and witty indeed, and in good Latin. This is true; for being naturally weak-sighted, he preferred rather to write nothing than lose his eye-sight. Judging by the wittiness of his letters, one would say that he loved the Laconic conciseness, but he was thoroughly Attic in the correctness of his style; nor would he affect any other. He could not bear the diffuseness of Cicero, as he showed whenever he lectured on those books. Nor was it only in writing that he was in the habit of using a concise style, but in speech also.' In another place Erasmus says:—'Though Grocyn lived to a great age, he left no writings[2].'

And yet we are told by such respectable authorities as

with Erasmus, Grocyn, Linacre, and More, place Grocyn on the same level with Erasmus:—

'Qui fuit æqualis magno Grocinus Erasmo
Insigni coluit te pietate diu.'

—(Knight's Erasmus; App. cxxxii.)

[1] Opera, Tom. I. p. 1013.

[2] Epist. DCLXXI.

Wood and Tanner that Grocyn wrote several books besides the above letter[1]. It seems probable therefore that this letter alone appeared in print (not by his own desire, as we have seen); and, in the literary fastidiousness which Erasmus no doubt truly describes, we may trace the cause of the others being retained in MS. It is likely enough that these MSS., or some of them, were preserved at Oxford, and thus escaped the notice, not only of Erasmus, but also of one whom we should expect to know more about Grocyn than most people, George Lily, son of William Lily already mentioned. He also remarks that while Grocyn's abilities were considered quite unique, he left no writings[2]. It is only worth while to quote a writer who lived two centuries later, for such evidence as he gives of the circulation of one book of Grocyn's mentioned by Wood. Menckenius' 'Life of Politian' was published at Leipsic in 1736. In it he declares that 'Grocyn's epistles to learned men, and especially Erasmus, and other most excellent monuments of his ability, require no praise from me.' Neither Knight nor Jortin, the two chief biographers of Erasmus, had ever seen these Letters: and the author's words may be only a flourish intended to interpret the bare facts given by Wood. Yet it is impossible but that there must have been a considerable correspondence between Grocyn and Erasmus, and copies may have been preserved, though there may have been reasons for their suppression on the part of the latter. They were men of very opposite temperaments, and in more than one of the letters of Erasmus, written towards the close of Grocyn's life, there is a distinct allusion to a coolness which had arisen between him on the one side and Grocyn and Linacre on the other. He was at a loss to understand the cause[3].

[1] Wood in the Athenae mentions: 1. *Tractatus contra hostiolum Jo. Wiclevi.* 2. *Epist. ad Erasmum et alios.* 3. *Grammatica.* 4. *Vulgaria puerorum.* Tanner in Biographia Literaria adds; 1. *Not. in Terentium.* 2. *Isagogicum quoddam.* 3 *Epist. ad Aldum Manutium.*

[2] *Virorum aliquot in Britania .... Elogia.*

[3] Epist. CCCVI. Appendix: and DCXCIX. This last letter is evidently quite wrongly dated.

As for the tract on Wiclif's *Hostiolus* (the 'Wicket'), that was probably an early work, connected with the days when the great teacher's books were publicly burnt at Oxford[1], and not likely to be printed by Grocyn; but it may well be that from the ashes of those burnt writings may have sprung up that ardent desire to see the New Testament printed in Greek and Latin in an accessible form, which was expressed in the letter to Aldus. It may also be worth while to notice that the idea formed of Grocyn by Menckenius,—not indeed that he finds any mention of him in the writings of Politian—includes, in addition to all the rest which he copies from his authors, that of a 'not inelegant poet.' Possibly he adopted an expression of Fuller's to the same effect. And before we leave the subject of Grocyn's sterility as an author, it is natural to remark that we may trace exactly the same dislike to appearance in print on the part of the learned William Latimer[2], and marks of the same sort of feeling even in Linacre. The latter is often urged to proceed with this or that undertaking, often reproached for being too fastidious, and certainly prints much less than might have been expected of such a bright, facile, and original genius. The fact is that the standard of these men was lofty, and that they had been teachers and critics so long that they were unwilling to run the risk of degrading the literature which they had nursed into life. We feel their reticence the more in contrast with the fecundity, not to say, the garrulity of their pupil Erasmus, whose influence was so much greater, and for whom the printing press might seem to have been specially invented.

The list of Grocyn's books illustrates some of the foregoing remarks; but we do not know whether we have a complete

[1] Wood's Annals, 1476.

[2] Erasmus, writing to Latimer (Epist. CCCLXIII.) in 1518, seriously takes him to task for abstaining from publication, and fears that Grocyn will die without leaving anything behind him (as indeed he did next year). He compares such conduct to that of the miser; but says that it is worse; for the miser's wealth does go to his heirs; but literary wealth, unpublished, dies with its possessor.

list, for he may have sacrificed any number of them, like his plate, to buy bread. At any rate these would be the last retained, the books from which he would least willingly part, and may bear, if we beware of laying too much stress upon the facts which they seem to represent, a rough analysis.

The catalogue consists of 105 printed volumes and 17 MSS. Of the latter, some seem to have found their way to Corpus Christi College, we know not how, and nine more, which are not in the regular catalogue, came to the library of that College from amongst Grocyn's treasures, in a way which will be presently described. It was precisely at this latter part of Grocyn's life that Bishop Foxe was creating what justly claims to be called the first College of the New Learning, and the friends of Grocyn and Linacre were much concerned with it. Its Statutes breathe the very spirit of Grocyn. The Reader of Theology was, in his interpretation of Scripture, to follow the Greek and Latin Fathers rather than the Scholastic Commentators. The Reader in Latin is 'to extirpate all barbarisms from our bee-hive.' There then was the place to deposit Greek MSS. That experienced scholar and statesman, Bishop Foxe[1], represented, like Warham and Grocyn, the latest efforts of the old Oxford school to instruct and reform according to the best lights, without the accompaniment of any serious religious change. But events were moving too fast. When Wolsey began the English Reformation by suppressing forty Religious Houses in order to found the next College of the series, and still more when Henry VIII established it in 1546, Christ Church came forth from their hands with many distinctive marks of the new ideas which Grocyn had set going in the Universities, and which had made an unexpected progress during the first half of the sixteenth century.

The character of Grocyn's library is on its main points what we might expect from his career. About half the books are either distinctly theological, or cover that mingled

[1] See the recent article on Richard Foxe by Dr. Fowler in the Dictionary of National Biography.

field of theology and philosophy in which so many of the Medieval Doctors displayed their talents. If we might judge from the number of volumes which contain different works of St. Augustine, that great author would appear to have been his favourite. The Bible itself is only represented by the Greek-and-Latin New Testament, the *Concordantiae Biblii*, and some Commentaries on the Psalms; Liturgical books by the Sarum Breviary alone. Of the works of the early Fathers, besides St. Augustine, he possessed some or all of Origen, Cyprian, Eusebius, Ambrose, Jerome, and Gregory the Great: and of the Medieval Doctors, those of Anselm, Aquinas, Duns Scotus, Ockham, Bonaventura, and Nicholas de Lyra, besides sermons and commentaries of less known authors.

The Latin Classics fill the next largest place in the Catalogue; and here Cicero takes the place, still judging by the number of his works, of Augustine in Divinity. There are, however, three volumes of Seneca. The list is ample. Even the modern scholar would be fairly satisfied to have at his elbow, besides the above, Plautus, Lucretius, Caesar, Livy, Virgil, Tacitus, Suetonius, Juvenal, Persius, Asconius, Apuleius, Valerius Maximus, and Aulus Gellius; to which we may add the works of Boethius and Cassiodorus. Aristotle and Plutarch seem to be the only representatives of Greek Classics, a fact which is perhaps partly accounted for by the separation of Greek books from the rest, since we find from Linacre's accounts, when the books were fetched to London, that some were thus separated; and there might be others, so that we should not get their names in the Catalogue. What the rest were, and what became of them we know not. They may have been given away to friends like Linacre and Lily. Perhaps they may yet be discovered.

Natural Philosophy on the other hand, with Pliny at its head, and Astronomy, are strongly represented, as we might expect when we remember the period of Grocyn's visit to Italy; and many of the chief writers of the Italian Renaissance, famous in their day, as Ficino, Filelfo, Lorenzo Valla, Æneas Sylvius,

Gaguinus, Perotti, and Harmolai, find their place by the side of Petrarch and Boccaccio. The 'Adagia' of Erasmus, his earliest production, alone represents the scholar from whom we learn so much about his patron and teacher. As others of Erasmus' works were in circulation before Grocyn's death, this fact, together with the absence of important Greek Classics which were put out in print by Aldus Manutius in the first years of the century, leads to the supposition that he did not add much to his library after he had come to live in London, and probably for the sufficient reason that he could not afford to do so. This however is matter of conjecture. It is suggestive of the infancy of literature that Linacre found it impossible to get 'my Lord of Canterbury's prayser to set a pryce on the books'; but that official did not forget to charge 20*d.* for 'seeying them.'

It remains to notice the executor's accounts,—or rather to attempt to interpret what are after all only private memoranda, and the accounts of the three servants employed in the business. One of these is the person sent 'with a Privy Seal to the Mayor of Maidstone and to Newington,' and also to Canterbury. This must have been to convey the permission of Government to allow the Executor to proceed. The messenger seems to have slept at 'Bolton' (or Boughton), and not at Canterbury; which would interpret the reckoning of his journey 'homewardes' to begin from the former place. He and both the others go to and from London, where Linacre was residing, apparently at the 'House of the Black Friars,' or perhaps at the Hospital of St. Thomas de Acres in Cheap, to which the books were carried. The mass of them are conveyed in a 'fatt' or cask; certain Greek MSS. separately. The price of water-carriage between London and Maidstone via Gravesend and Rochester, and sundry other travelling expenses, are illustrated by these accounts. The absence of funeral expenses suggests that they were paid by the College. The stone monument is

costly. Perhaps the difference of prices between those times and our own is more marked in the keep of a horse than in any other item. For half a year it only comes to 5*s*., including 'shooying,' which multiplied, say by 12, for the difference of money-value, is little more than 2*s*. a week. The wages of a man-servant are £2 a year, or reckoning by the same multiple, £24. The 'poticary's' bill forms a large item, for the Master of All Hallows had been long ill. The 'composition' of the Will costs 10*s*., the same sum which had been paid to the lawyer for making it and the Deed of feofment. This must refer to the Civil Court, as it is over and above the Probate, which costs 14*s*. The 'quittance' answers perhaps to the modern stamp.

But the real interest of the accounts lies in the disposition of the alms, the notice of the Greek books, and the gifts to scholars. Linacre began the distribution of alms along with the rest of the Executor's regular duty, and one cannot help suspecting, a distribution of the sort which he himself thought best, without reference to the special alms required in the Will for the good of his friend's soul. He gives various sums in charity to widows and sick people, probably those whom Grocyn had himself helped, and to brethren of Religious Houses. He also spends 10*s*. on books bought at Louvain, at that time the centre of classical literature, for studious scholars of Oxford; and 'Master Lilly' is intrusted with 40*s*. for the purpose of procuring Greek books to give away. It surprises us therefore to find two years later (fo. 3d) that 4 marks and 20*d*. are 'delyverd to Mr. Dancaster to dispose in almesded for Master Grocyn's sowle,' and on the same day, that some of Grocyn's money in the hands of 'Master Claymond' is handed over to him and Master Dankaster to be disposed of; while 40*s*. are reserved in a casket for John Clement, to be also disposed of, we may assume, like the alms. Did the Overseer of the Will, 'Sir' William Page, make special inquiries as to the fulfilment of the trust on the delicate point which Linacre had not thought

fit to construe literally? And has this repair of an omission anything to do with the mysteriously wrong date of the registered Probate? Who shall say?

The receipts also present some points of interest. Perhaps to the residuary legatee it was not an unpleasant part of them that they almost doubled the expenditure. The 'X[li] from Bedel[1]' paid through the Master of St. Thomas may be a sum due from Archbishop Warham at Grocyn's death, an allowance made to his old friend. 'Master Penynton' is the John Penynton, M.A., who succeeded Grocyn as Master of All Hallows. It will be observed that Sir William Page, Grocyn's clerical friend, detains the larger part of the sum due for salary, perhaps in pledge for the performance of the provisions of the Will; while there is a difficulty about another portion reserved for the decision of the Archbishop. The notice of 'Grocyn's two friends' for whom Linacre receives money from the Bishop of Calipoli, reminds us that we are still in the medieval world. The titular Bishop, Dr. John Yong[2], is often mentioned by Wood as a popular lawyer who seems to hold a general brief for the University, and is concerned in many of its affairs. The charity of the Master of All Hallows is conspicuous to the last in the mention of these 'two friends.' We have no clue to their names.

The notice of the Theophylact is illustrated by the inscription still to be seen in the book in Corpus library;—to the effect that Linacre had bought it at the price Grocyn gave for it. Claymond, the President of Corpus, had obtained

[1] Thomas Bedell was secretary to Archbishop Warham, succeeded Grocyn as Rector of East Peckham in 1517, and became successively Archdeacon of Cleveland, of Cornwall, and of London. He was also a Clerk of the Council, and secretary to Thomas Cromwell during the early period of the Dissolution of Monasteries, having been one of Henry's Commissioners to visit and report on Religious Houses. He died in 1537. The Master of St. Thomas' (no doubt St. Thomas of Acres or Acons) was the head of a hospital as well as of a celebrated school, one of the four chief schools of London. He would naturally be a friend of Grocyn, Linacre, and Bedell.

[2] This Dr. John Yong must be distinguished from the Dr. Yonge, Master of the Rolls, from whom Grocyn had borrowed money on the security of his plate.

it from Linacre and presented it to his College. At Corpus will also be found six of the nine MSS. of which we have the list on Fo. 16, as having been passed over to Thomas Lupset, that he might take them to that College and sell them, with the proviso that the President should only pay the price for each which Master William Latimer should assign. These six were accordingly bought by the College. Two more of Grocyn's Greek MSS. (besides the Theophylact), which are not in the list of those brought from Maidstone, were bought by Claymond, the President, who inserts in each of them a request that the reader would pray for the soul of him who gave the book. These are a Chrysostom and Suidas' Lexicon. The Plotinus, the Simplicius, and the Dionysius were not bought, or at any rate are not now in the library. The Eustrathius is not marked as bought by the College, though it is in the library. New College also possesses a MS. Philostratus which had belonged to Grocyn,—probably a gift to the institution from which he had derived his education.

It was in keeping with the character of Claymond that he should buy the above three books, and arrange in the name of the College for the purchase of the others. A Magdalen man from the first, he had become its President in 1504; but on founding Corpus, Bishop Foxe had persuaded him to be the first President of his new College, making up the loss of income by the gift of a living. In 1538 he founded six scholarships at Brasenose, the holders of which were to attend the Lectures given at Corpus in Greek and in Literae Humaniores. Such a career speaks for itself; but it may be added that the description of his merits came down to Wood, no doubt correctly, as that of a 'very charitable and devout man, who had nothing wanting in him to complete a theologist.' Thus he buys the theological works, and the Lexicon which is to make them intelligible: the College provides the secular books, the two Treatises of Proclus on Plato, the Ptolemy,—a very beautiful copy—the Damascius Damascenus, the Physical Works of Aristotle written out by

Jo. Thessalus Scutariotis, and the Eustrathius on Aristotle's Ethics. Two of these are priced on Linacre's list, independently of Latimer's appraisement; but the Ptolemy is the only one inside the cover of which the price is marked, viz. 'Ducat. X. lib. iii. solid. xiiii.' We cannot estimate this value exactly, as in the reign of Henry VIII ducats were not current at any fixed value, but 'as the payer and receiver should agree[1].' It is however a very large sum—(we have in the account only a payment for part of the books) —and indicates the necessity which was felt for keeping these precious MSS. in some secure place apart from the rest of the books, thus accounting for the special mission of 'Fynche at the Schomakere house in Lumberde Strete' to bring up 'ye Greke bokes.' In five of these six books may be seen the inscription (of course in Latin) to the effect that they were 'bought from the heirs of W. Grocyn in 1521 for Corpus Christi College,—John Claymond, President'; but this must apply to Linacre, the executor and residuary legatee, for there are no heirs mentioned in the Will.

Claymond—to take up the names mentioned in these accounts—has been sufficiently described; he may be reckoned a successor of Grocyn at Oxford, on the side of mixed theological and classical eminence, though by no means in the same degree as the 'pious Latimer,' celebrated by Leland and all contemporaries. It is also worth mention that he was a practical benefactor of his fellow-citizens as well as a learned, pious, and generous Head of a House. In Part I. of this volume it will be seen that in 1533 he was one of the heads of the University who attempted to settle the differences existing between the University and the City, signing himself *Servus Eucharistiae* (p. 60); and in 1536 he 'built a leaden roof supported by several stone pillars in the middle of N. Gate Street,' that the corn-sellers might keep their sacks dry (p. 20); and it may be added that he also

[1] Ruding's Annals of Coinage, ii. 423.

restored the dilapidated bridges on the road from Oxford to Botley[1].

Lupset, to whom the books were intrusted, was a rising scholar of the new generation, a favourite of Colet's among the youths of St. Paul's, thus noticed by the Dean in his Will:—'I will that Thomas Lupeshed, my schollar, be remembered after the discretion of myn executors, and to have all such books, printed, as may be most necessary for his lernyng.' He had already attained so high a reputation that he was at this time delivering Lectures in the Hall of Corpus as Wolsey's new University Reader of Rhetoric, and though he died in 1532, aged only 36, he lived long enough to be a voluminous author. He was one of the correspondents of Erasmus. Dancaster was a poor scholar of St. Paul's, touchingly remembered by Colet:—'I will that Master Dancaster have in money to support hym in hys vertue, £6 . 13 . 4.' Linacre also left him a 'fether bed, two Irish blankets and a bolster.' These young St. Paul's scholars were, we see, already fit to be trusted by

[1] A very interesting Latin poem in praise of Claymond was written by Shepreve, a Fellow of C.C.C., which, making all allowance for friendly partiality and the long-windedness of the times, gives a genuine and trustworthy account of this excellent man. We are not bound to believe that he was a Cicero for eloquence or an Ovid for poetry, nor to attach undue importance to his defence of St. James' doctrine of the 'necessity of good works'; but there are many tokens in this poem of the uncommon life and character of John Claymond. The poet celebrates his liberal gifts and pensions to students, and not only to them but to many others; the sums he expended on his own and other Colleges, as well as on the repair of houses and churches; the aid he constantly afforded to prisoners, and the payment of debts for arrested debtors; his gifts of garments to the poor; his prayers, his fasts, his sobriety and self-control, the secrecy of his alms, the felicity of his death at the age of 80. The lines on the Botley bridges ran as follows:—

'Quis nescit longo constructos ordine pontes
In prati medio, Botlia parva, tui,
Quos prius hic populo quam sic reparasset egenti
Invia terrigradis haec via prorsus erat.'

Other portions of this poem might be quoted, but it is understood that the President of Corpus is about to produce a history of the College in which justice will be done to Shepreve's eulogy of his friend, the first and one of the greatest of its Presidents. It could not be in better hands.

Linacre, and no doubt had been well indoctrinated by their great master, William Lily, in the traditions concerning the English heads of the New Learning, now passing away.

The 'John Clement,' for whom 40*s.* was, in 1522, reserved in a casket, with a view, as we have supposed, to satisfy the Overseer of the Will, was another of these brilliant young scholars from St. Paul's who were about to take up the places vacated by their seniors at Oxford. Sir Thomas More had discovered his merits, and secured him as tutor to his children, and especially to Margaret, celebrated in prose and verse. He was, says Wood, 'singularly seen in the Greek tongue,' and had preceded Lupset in Wolsey's Readership, soon passing on however to the Chair of Greek, which the Cardinal had also founded. He combined practice as a physician with the learned industry which enabled him to translate three of the Greek Fathers into Latin, and was elected President of the College of Physicians in 1544.

It is scarcely worth while to pursue Linacre's rough notes any further. We have been admitted to a glimpse of the private affairs of the leaders not only of their generation, but of all English scholarship, as we trace it in its descent from the fifteenth century; and it is gratifying to find the source of the stream so deep and so pure as we cannot but perceive it to have been. These celibate students were the better for mixing in the world as they did, but, unlike certain leaders of the Renaissance on the Continent, we hear no suspicion breathed against their moral character. Their simple lives and their public spirit are supported and beautified by a practical religion, and if they did not forward the Reformation on the doctrinal side, they paved the way for it, not only, nor perhaps so much, by their independent pursuit of literature, as by the spirit of reverence with which they conducted their pursuit. Thus when the Reformation came, it was partly due to the impetus which they gave that it took the form of a recurrence to the primitive models, with which these great scholars had made men familiar. So it came to pass that

there was no breach with the past which could by any possibility be avoided.

We naturally wish to know how these fathers of literature looked and spoke. Linacre is the only one of the regular Oxford teachers whose picture (by Quentin Matsys) has come down to us; and it exactly bears out the idea of the 'sharpness of intellect' with which he was so generally credited in his life-time. Of Grocyn, however, we have some touches which may help us to form a mental picture. He evidently, though laconic,—perhaps because laconic,—was a man of humour—a certain dry humour. His impromptu verse, made at the head of the Winchester boys, in reply to a challenge from the French ambassador, has been printed; and so also have his verses to 'Julia' when she pelted him with snowballs[1]. When Henry VII jocosely questioned him about his youthful addiction to astrology, he knew to whom he was speaking when he replied that he had indeed formerly, in emulation of certain people, felt an inquisitive desire to learn the secrets of that art, but he had never succeeded in adding to his fortune by his researches[2]. We have also the story of the joke which he could not resist in the boat with Erasmus.

He was a man of simplicity and plain-speaking. 'He lived,' says George Lily, the clever son of Grocyn's godson, 'content with a little, and charming people by his exquisite urbanity, though his manner of speaking was simple and almost rustic.' And again, 'he was the first to profess publicly in Oxford University the teaching of Greek literature to large classes of students. He also pursued the study of philosophy, and so greatly despised the divine genius of Plato in his laudations of Aristotle, that he has been heard to say in a harsh voice [*truculenta voce*] to friends who took up the defence of Plato, that the whole teaching of that philosopher consisted of nothing but Greek figments, and that he was guilty of propounding to unskilled

[1] Bale, Pits, Fuller, etc.
[2] Virorum aliquot in Britannia .... Elogia.

dabblers in philosophy mere old women's fables[1].' We have seen something very like this in the letter to Aldus. As for centuries before him men had been drawn up in battle array on both sides, and have been so for centuries since, though in a less violent way, there is nothing to surprise us in Grocyn's attitude. Indeed we might well expect it from his austere and somewhat prosaic character. Yet Linacre was quite as pronounced an Aristotelian, and his mind was of a different cast. No doubt they both represented the scientific exactness of the rising school too strongly to allow them to indulge in flights of imagination, just as they were too profoundly imbued with the teaching of their earlier lives to go beyond a certain point in the theological development which burst out into irrepressible flame as soon as ever they were dead and gone. But the story here told by George Lily gives us a hint of Grocyn's manner, and corresponds with the only disparaging remark of Erasmus to be found amongst the almost extravagant praise which he lavishes over and over again upon his 'patron and preceptor.' Speaking of him after his death, he says:—'Independently of his theological profession he was exactly versed in every kind of educational knowledge "*usque ad morositatem*[2]."' This word probably means an impatience with idle blunders, natural to a veteran student and teacher, rather than a churlish rudeness which we are forbidden to attribute to him by the common consent of his contemporaries.

One more quotation by way of conclusion. A little before the death of Grocyn, Erasmus, hearing of his fatal illness, remarks: 'Would that such minds could feel neither death nor old age[3]!' But this affectionate sentiment was more misplaced than usual. Grocyn was happy in the time of his death. He could no longer be useful to others, as he had been through life. He had seen Corpus founded before his illness had incapacitated him; and that College, embodying as it did the complete fulfilment of his own ideal, he lived to

[1] Virorum aliquot in Britannia .... Elogia. [2] Epist. DCLXXI.
[3] Epist. CCCVI. Appendix.

see prosperously launched under the guidance of the scholars who most nearly represented his own line of progress. He also lived to see his old pupil, Richard Croke, establish at Cambridge his own Oxford principles and practice of teaching Greek, with a success which had been denied to his other pupil, Erasmus. And it must have been a peculiar pleasure; for Croke's success where Erasmus had failed, was due to precisely the same cause which seems to have operated in Grocyn's own case, when as a young man he introduced to his own University the Greek which the foreign importer of the language could only, if we have interpreted contemporaries rightly, teach to a few resolute students. He died in the very year when Wolsey, at More's instigation, put an end to the persecution which the 'Greeks' in Oxford were receiving from the reactionary 'Trojans.' He may not indeed have been in a condition to take in the news; but he was at least happy in passing away, like Colet and Linacre, before the Reformation struggle commenced, a struggle in which they would have been sorely puzzled how to act. They had finished their work, and might die in peace, with a sense of having done their duty, each according to his lights.

THE WILL OF WILLIAM GROCYN

Copied from the Principal Probate Registry (*Ayloffe*, 30), *on January* 12, 1890.

In the name of god Amen The seconde daye of June, The yere of our' Lord A thousande fyve hundred and nyentene, And the xith yere of the Reigne of Kyng Henry the Eight I William Grocyñ Clerke Maister of the College of Alhaloweñ of Maidestone in the Countie of Kent being of hole mynde and in god memorie laude bee vnto Almighty god make and ordeigne this my present Testament and last will in maner and fo^{r}me folowing. That is to say

Furst I bequethe and recommende my soule to almighty

god my maker and Redemer, to the moost glorious virgyñe his moder oure Lady saint Mary and to all the holy company of Hevyñ, And my body to bee buryed at the stalle ende in the high quere of the College of Maydestoñ aforsaid Itm I wylle that all my debtes the whiche I owe of right or of conscience to any maner psone or psones be wele and truly contented and payed by myñ executour', orelles ordeined for so to be payed, Item I bequethe to my Godsoñ William Lyllỳ & vs, Itm I bequethe to William Capper my Godsoñ & xx d, Itm I bequethe to Sr William Page preste vpoñ condicioñ that he will take vpoñ him Thoversight of thexecucioñ of this my present testament and last Wille my gowne of vyolet engrayne furred wt blak conye Itm I bequethe To Alice Lynacre my Scarlet gowne wt the hode therto belonging lyned wt sarcenet, Itm I woll that Thomas Taillour my seruant shall haue to him his heires and assignes foreurmore all that my mesuage or tent wt garden and othr thappurtenancs sette lyeng and being in Stonestrete of Maidestone aforsaid, the whiche I late purchased and bought of ooñ Joñ Clere And I woll that all and eury such psone and psones as stande and be enfeoffed and seased of and in thesaid Mesuage or tent wt garden and thappurtenancs shall fromhensforth stande and be enfeoffed and seised of and in thesame Mesuage or tent & garden wt thappurtenancs to thuse and behouf of thesaid Thomas Tayllor and of his heires and assignees, The Residue of all my goodes and catalls and debts aftre my debts payed my funerall expenss pformed and these my legacyes conteynid in this my pnt testamt and last will fulfilled I geue and bequethe to Maistre Thomas Lynacre clerc he to bestowe such pte therof for the wele of my soule and the soules of my fader modre benefactors and all Xpen soules as it shall please hym, The which Maister Thomas Lynacre of this my pnt testament and last will I make and ordeigne myñ executor And of thexecucon of thesame I make and ordeigne the forsaid Sr Wiłm Page Overseer And I vtterly reuoke and adnull all and eury othre testaments willes legacyes bequests executors and ouerseers by me bifore this tyme in any wise made named willed and bequethed And I wol that this my pnt testat and last will and the legacies bequests executor and Ouerseer conteyned in thesame shall stande and abide for my veray testat and last will legacies bequests executor and ourseer and noon othr, In witnes wherof to this my pnt testament and last will I haue sette my seel Yeuen the seconde day of June and yere abouesaid These witnes Thomas Homson clerc and Robt Warde clerc,

Probatum fuit sup^a^scriptū testm̃ corā Dño apud Lamhitħ vicesimo die Julij Anno Dñi Miłłimo quigentesimo vicesimo secundo Ac appbatū et insinuatū Et cōmissa fuit admistracio oim et singłorꝝ bonorꝝ ꝛ debitorꝝ dict̃ defuncti Mag̃ro Thome Lynacre exec̃ in hm̃oi testat^o^ noiat̃ de bene et fidelr̃ administrand̃ eadm̃ Ac de pleno et fideli Inuentario oim et singłorꝝ bonorꝝ et debitorꝝ hm̃oi conficiend̃ Et citra fiñ oīm sc̃orꝝ ꝑx̃ futur̃ exhibend̃ Necnon de pleno et vero comp̄o calculo siue raciocinio in ea ꝑte reddend̃ Ad sc̃a dei Eu^a^ngelia Jur̃.

PART VI.

TABLE-TALK AND PAPERS

OF

BISHOP HOUGH.

1703–1743.

INTRODUCTION.

THE following papers can only ask for a place in a volume of the Oxford Historical Society's *Collectanea* on the ground that anything which illustrates the life of one who not only played a conspicuous part in a critical scene of Oxford history, but who by that part has given to his college no small place in the annals of England, may well deserve notice. For the subsequent life of such a man cannot but have interest for those who admire his conduct in the great struggle of 1687; and therefore these papers, now first printed, may not unfitly follow as a supplement upon the exhaustive account of that struggle which, by the careful labour of Dr. Bloxam, the Society possesses. And yet these papers do not reveal in Hough the stuff of which heroes are made, nor the qualities one would willingly find in him. They deal with him, it is true, only in the latest years of his long life; but they exhibit him merely as an amiable, kind-hearted, well-meaning man, highly esteemed amongst his closest associates, but in other respects differing little from the very commonplace and easy-going type of eighteenth century bishops. A quarto volume was published in 1812, in which his life was set forth at length in large print by a warm admirer, Mr. John Wilmot; but just as in that book all that really distinguished his career is confined to the days of 1687 and 1688, so here the private notes of his last chaplain and confidential friend show nothing great or grand in other

years, but only record the affectionate esteem which he conciliated in his private character.

The papers are those of the Bishop's private Chaplain, Richard Congreve, preserved in the family of the latter, and now communicated by the kindness of his great-grandson, the Rev. George Congreve, M.A., of Exeter College. Their writer was the son of John Congreve, of Stretton, Staffordshire, gent. He matriculated at Christ Church, 17th March, 1732–3, at the age of eighteen; took the degree of B.A. in 1736, and of M.A. in 1739, being then of Aldermaston House, Berks; and his death (as 'Rev. Mr. Congreve, of Whitchurch') took place, as we learn from the *Gentleman's Magazine*, 27th July, 1782. He appears to have entered the Bishop's household only in the year preceding the death of the latter, in whose will we find ten guineas left to him for mourning. But in that short time he had so won the nonagenarian's regard that the important living of Blockley was given to him (as he gratefully records) immediately after his ordination *per saltum* (with an interval of only three months) as deacon and priest, while he was promised an archdeaconry as soon as a vacancy might occur!

Among the papers left by Mr. Congreve is a quarto book of twenty-one leaves, containing a narrative of the proceedings at Magdalen College by the Commissioners of James II, from 19th Oct. to 16th Nov., 1687, which is thus attested by Hough, while President, in his own hand and with his signature: 'I take this to be a punctual and true account of the visitation ... (*etc.*); and what relates in particular to myself I can aver upon oath.' This account, however, is substantially the same as that which is given in the *Impartial Relation*, a narrative which is embodied in Dr. Bloxam's volume, and there is therefore nothing in it which calls for insertion here. Three interesting letters written by Addison during his continental travels to his President were communicated by

me to the *Athenæum*, and are printed at p. 290 of the number for 1st Sept., 1888. Several letters from Bishop Edmund Gibson, of London, are also preserved, which are of interest in themselves, but not worth insertion in this volume.

The *Table-Talk*, noted down at Hartlebury Castle at the dates which are given, contains some interesting historical anecdotes, as well as a good deal of amusing gossip. A few passages which do not deserve transcription have been omitted, but only a few. To the notice respecting the authorship of Εἰκὼν Βασιλική I have subjoined an extract from a note-book of Thomas Carte, the historian, who, when collecting materials for his life of the Duke of Ormond, visited Hough at Hartlebury, the Bishop having been Chaplain to the Duke while he was Lord Lieutenant of Ireland.

The other papers, especially the letter from Charles Jervas, the painter, with his story of his attempted purchase at Rome of one of Raffaelle's cartoons, will all be found to repay perusal. And our miscellaneous collection ends with one paper which at least contributes something to the illustration of life at Oxford in the last century, in the letter from Richard Congreve to his mother on his first entrance at Christ Church in 1733. In this the writer gives a very moderate estimate of his probable expenses, and earnestly deprecates his being thought inclined to extravagance in desiring to be supplied with a set of tea-things for the occasional entertainment of friends.

W. D. MACRAY.

TABLE-TALK OF BISHOP HOUGH.

14 May, 1742. Hartlebury Castle.

Dr. Burnett[1], who lived, together with the Bishop of Worcester, in the family with the Duke of Ormond, grandfather to the present Duke, could never get any preferment greater than to be Master of the Charterhouse, on account of the opposition of the High Church party. When the vacancy happened at the Charterhouse[2], the Duke proposed the Doctor to succeed to it, and when he came home told the Bishop of Worcester what he had done, but that it was objected to the Doctor that, though a clergyman, he had never wore the *habit* of a clergyman. The Bishop replied that, as he never had any preferment, not so much as a curacy in the Church, it was true he seldom had except on a Sunday, but that he had always, he was sure, wore the *manners* of one. The Duke said he knew that, and therefore had proposed him, that the Bishops were all against them, but that they had out-voted them.

Mr. Woollaston[3], the author of *The Religion of Nature*, an intimate of the Bishop of Worcester, had the same fate. High Church ran so strong at that time, though the Bishop had always desired and endeavoured to get him a Bishopric, though one of the smallest, he never could do it, on that account. He had low fortune in the world when he began it; but had a great-cousin master of an estate of above £4000 a year in Warwickshire[4] of the same name, to whom he was represented as a deserving youth, and as one that deserved encouragement. Upon that he sent him to Oxford[5], and maintained him there

[1] Thomas Burnet, LL.D., 1635-1715.
[2] In 1686.
[3] William Wollaston, 1659-1724.
[4] Shenton, in Leicestershire.
[5] Sidney Sussex College, in Cambridge.

till he was Bachelor of Arts, then told him he must look to himself, for that he had no farther concern with him. He became usher to the school in Birmingham, without hearing any more of his great-
1688. cousin till, about four years after, he was called out of his school by a gentleman in his coach-and-six, who got out of it, bowed low, told him his cousin was dead, had left him his whole estate, that he was his servant, and was come to receive his command. Mr. Woollaston, quite composed, asked if his cousin had left any directions about his funeral, which he ordered him to go and follow, that as to himself he was under a charge that he could not leave till somebody was appointed to succeed him, but that as soon as that was done he would come and take care of what his cousin had left him. The manner he received this great turn of fortune the Bishop observed had something in it greater than anything he knew. Upon his accession to so considerable an estate, the principal gentlemen of the county immediately offered him their daughters in marriage, which he refused, knowing it was to his fortune, not his person, that they were offered, and afterwards took a wife out of the city[1] with a fortune of £10,000.

Speaking of the vanity of names, the Bishop mentioned an Irishman whose name was White, who called himself Count Albin[2], and desired of King Charles the Second that he might have his leave so to do,—the King wrote at the bottom of his Petition, that he might call himself what he would, and so might anyone else. He was afterwards sent by King James ambassador to the States, and upon the Princess of Orange's birthday, making his compliments, he told her that he had ordered prayers for her in all the popish chapels in the States. She thanked him, and told him, that if they did her no harm, they would do her no good.

The Bishop said my Lady Darby told him that a child was brought into Queen Mary's bedchamber in a warming-pan, which child died a few days after. Lady Darby was a Lady of the Bedchamber . . . . .

The present Lord Pembrook[3] having built a little box of about three or four rooms below stairs, and not so much above, asked the late Lord Chetwynd[4] to look at it, and tell him what he thought of it. He told him it looked like a house built with cards. My Lord Pem-

[1] A daughter of Mr. Nicholas Charlton, in 1689.
[2] The Marquis d'Albeville.
[3] Henry Herbert, ninth Earl; died 1751.
[4] Walter, first Viscount Chetwynd; died 1736.

brook replied he had heard of a house by St. James's that was built with cards, but assured him his was not. Now it was known my Lord Chetwynd had built out of the profits of the tables for cards that were kept at his house, which he took to himself, allowing his butler only a small share of them.

When the living of Ayno in Oxfordshire[1] was vacant, and two gentlemen, relations of Mr. Carteret[2] the patron, applying for it, it was asked which of them had got it: the answer was that it was divided between them, that the one had *Ay* and the other had *No*.

King James the Second was used to boast that he had a General, a Chancellor, and a Bishop[3] that would do anything he bid them. But Kirk his general, when the King desired him to change his religion, told him, that though he did not pretend to much religion, yet his majesty must excuse him in that point, for that he could not do it with honour, for when his majesty had sent him as his ambassador to Morocco, he had promised the emperor that, if he ever did change his religion, it should be to his.

Fortune-tellers are generally an idle pack of cheats, but my Lord mentioned a remarkable circumstance concerning them, of old Mrs. Jennings, the mother of the Duchess of Marlborough, who, when her daughter lay at the point of death went to one of them in Wapping, and returning to the Princess Ann's Court, where her daughter lay, about eleven o'clock at night, asked the physicians how she did, who answered her that she was past hope of recovery. She asked them if they thought she would live out twelve o'clock; they thought she might; then, says she, she'll live to be the greatest woman in England.

Cornbury House came to the Clarendon family in a manner that a man could not be very easy under. It belonged to Lord Denby, who wasted a great part of his fortune in the service of King Charles the First. His brother happened to be with the Parliament, whose son was in his cradle when his father died. My Lord dying after him, without children, the inheritance was in his brother's son: but the lawyers declared it forfeited, because it could not have come to the son but through the father. See Lord Verulam's *Use of the Law of*

[1] Northamptonshire.
[2] *alias* Cartwright.
[3] *Qy.* Sprat, Bishop of Rochester.

Property of Lands, page the last. Chancellor Clarendon put this motto upon the house, *Deus nobis haec otia fecit*, and it was remarkable that he never enjoyed a moment's ease after it. But it should be known to his credit that the French ambassador came to him one morning and left £10,000 behind him on his table. He went immediately to the King and told him. The King cried, 'God's fish, take it;' and so said the Duke. 'Sir,' said my Lord, 'it is not for nothing that this present is made, a return is expected no doubt, and that will be at your expence.' So he returned the £10,000[1].

There is a picture of my Lord Bishop at Lambeth, by Kneller. that cost thirty guineas, which is said to be like, but has lost its colour. My Lady Clark has one too by Ryley or Ryland (who, if he had lived, as 'twas thought would have exceeded Kneller), that my Lord thinks to be the most like him of any, though there are two or three by Jervas at Hartlebury, one of which, a half piece, is not unlike. There was a print taken of him, lately, by Sanby a bookseller in London, unknown to him, that he says is the dullest thing he ever saw, and has endeavoured to suppress it.

Sir Theodore Mayern[2] was a man of that learning and sagacity that his countrymen, the French, thought it not in the art of man to do the cures that he wrought by the power of medicine, and cited him to their court to have condemned him for a wizzard; but he made his escape, and came to England, where he was physician to Queen Mary, King Charles the First's queen. He kept many people in health and cured them by a pill that he gave, together with a regimen of temperature and exercise that he prescribed with them. A lady of the Court, whose daughters had taken his pills, came to him once with a 100 broad pieces in her hand, which she offered him for the secret of his pill, which she promised not to disclose to anyone. He took the money, gave her the pills, which were only pieces of warm bread gilded over, which he said he had contrived to prevent people from taking of physic, and that the other part of his prescription was the best preservative. My Lord's sister-in-law, Mrs. Jennyngs, had been unlucky, for which Sir Clement Fisher, her brother, desired her mother to make her take physic, and gave her of these pills. She made many

[1] This well-known story of Bastide's attempt to bribe Clarendon in 1661 had already appeared in Burnet's *Own Times* when thus noted down by Mr. Congreve.

[2] Physician to James I and Charles I. Died in March, 1655. He was born at Geneva, and took his degrees in medicine at Montpelier.

a wry face at them, and cried out when they were down, 'O they are very bitter,' which shews how far fancy will go. Mr. Selden tells[1] much such a story of one he cured of four devils in his head, by a card hung in a piece of taffeta about his neck and a temperate diet.

My Lord observed that we are taught whilst children a ceremonious behaviour, and now that we are grown up it is reckoned the best breeding to lay it all aside. It was never esteemed good breeding to be troublesome, but a total neglect of ceremony, as my Lord said, seems to destroy all distinction.

Sir Sampson White was Mayor of Oxford in the year '61, and with his brethren the Aldermen had chose the Duke of Buckingham their High Steward. Dr. South writes a letter to the Mayor in the name of the Duke, getting his secretary to put the Duke's seal to it, telling him that he had something greatly to their advantage to propose to them, and wished therefore that he and some of his brethren would come up to him. The Mayor and a coach full of Aldermen accordingly set out the next day, and waiting upon his Grace told him they were there in pursuance of his commands. He told them that he was glad to see them, but that he had never sent them any such commands. On which they produced his letter which he had never wrote, and told his Grace 'then he perceived there were knaves in the world;' 'I, and fools too,' says the Duke.

My Lord Bishop was chaplain to the old Duke of Ormond, grandfather to the present, and had occasion to be over with him at Dublin in the year '82, and to preach there on the 23rd of October, a famous day of commemoration of the massacre from which that city was preserved. Many popish lords came there to find what fault they could with the sermon, and when they met to dine declared they would take care the preacher should never have any preferment in Ireland or in England. The Duke sat by his son, my Lord Arran, and told him, 'Son, you are going to England, if anybody there asks what religion I am of, tell them I am of Mr. Hough's religion.'

General Waller was Lieutenant of Ireland in Cromwell's time; when they had allowed the Archbishops £500 a year, and the Bishops £200, Bishop Lesley[2] came to him to make his compliment, and bowed when he came in as to superior quality. 'Doctor,' says

[1] In his *Table-Talk*, under the head 'Devils.'

[2] John Leslie, Bishop first of Raphoe and afterwards of Clogher; died in Sept. 1671.

Waller, 'you bow very low, did you think you was bowing to an altar?' 'Nay,' said he, 'I bowed to you as to the great idol of the times.'—This Bishop at the age of sixty liked a young girl, and married her, and lived to see one son a Bishop, another a General, another a Judge, and a fourth, a little after his death, was made a Bishop too.

My Lord was invited by Lord Sunderland to spend some time with him at Altham. It happened as they sat at table, that the discourse turned upon the news of the day, which was the King of Poland changing his religion for that crown. My Lord Sunderland observed that, notwithstanding that, he would be a good Protestant again. 'But upon him,' says the Bishop (unthinkingly), 'I had rather he continued a Papist still than disgrace the Protestant cause by the forfeiture of his sincerity.' Now it happened very unluckily that my Lord Sunderland had himself been a Papist in King James's time.—My Lord Bishop upon going away, took notice to his friend and companion, Dr. Maynard, how nobly and friendly he had been entertained by his host. 'I,' says Dr. Maynard, 'and you made him a fine compliment,' mentioning what he had said to him of the King of Poland.

1st August.

My Lord Bishop said he was told by my Lord Burlington, son to the Earl of Cork (who bought his estate in Ireland of £5000 a year for £800 of Sir Walter Reyley), that he had seen the Countess of Desmont who lived to 150, at his father's house, about seven miles from her own, where she had walked most of the way that morning, and observing her petticoat, told her it was mighty fine. 'Well, Mr. Two-shoes, I suppose you mean by that that 'tis very old-fashioned; and I can tell you,' says she, 'that I danced in it at King Edward the Fourth's wedding.'—It is somewhere said that she lived to the age of 184. See Sir Walter Reyley's preface to his *History of the World*.

Bishop Parker of Oxford was employed to extenuate all the popish doctrines we excepted against. He was a man of learning and parts, but was thought to have little religion. His eldest son had a little horse that ran in the churchyard at Cuddesdon, which, as he endeavoured several times to drive into the church porch, the horse still turned away from it, and would not go in. 'On my conscience,' says the boy, 'I think the horse likes the Church as little as my father does.'

Some of his friends congratulating him upon his accession to the Bishopric of Oxford, 'Prithee,' says he, 'I did not take this for a saddle, I only meant it as a stirrup.'

The Duke of Ormond, going out, told his porter where he was going and when he should be back, and if anybody came to enquire for him, ordered him to tell. The Duke was got three or four miles out of town when the porter came riding after him quite out of breath; when he had recovered himself that he could speak, 'An' please your Grace,' says he, 'if nobody comes, what must I say to them then?'

[1742] October 11.

Mr. M., who had been two months at Hartlebury, told my Lord that he had leave from the Archbishop to stay the winter here. My Lord asked, what said his parishes? and with two such as he had to take care of he wondered he was not ashamed to have asked it. The next night my Lord told him that he had considered what he had said to him the night before, and though he never had observed anything he said to him had much impression, yet he hoped he would consider what he should say now—viz., that he thought he had made him a sufficient visit, and that he would not be under the scandal of keeping a person in his house that had two such parishes to take care of, and therefore he desired him to provide himself with some other place by the beginning of the next month. Mr. M. took it all with such an insensibility as surprised me.

Mr. Brooks, an acquaintance of my Lord's, as he passed by the dead wall in Lincoln's Inn Fields, took a fancy to a beggar that had taken up his stand there, and was used to give him sixpence always as he passed by him. One day he passed the beggar without paying his usual compliment to him, on which he called after him, told him he looked as if something had ruffled his temper, and asked if he might presume to ask the occasion. Mr. Brooks told him that he had just come from losing all his money at play. 'O,' says he, 'if you will please to take a turn here while I step home I'll bring you a £100, to try if you can repair your luck.' He went and fetched it, and it succeeded accordingly. Mr. Brooks asked him how he came to be master of so much money. He told him that he had many such customers as him who gave him money, and though he had a miserable employment all day, he usually got enough to lay up something and to feast well at night, and if he would do him the honour to sup with him, he would shew him how he lived. Mr. Brooks went home with him; he gave him

a cleanly entertainment of a couple of poulets, and a dish of mutton or veal, and a couple of lobsters.

Lady Fisher, wife to Sir Clement Fisher of Packington, commonly called Lady Jane Lane, had £1000 a year pension and £500 jointure, when a widow, out of which, excepting the arrears of her pension and jointure, she left but £10 behind her when she died. She was used to say her hands should be her executors [1].

Captain Lane had £500 a year pension paid out of the Exchequer, and there is still £300 a year paid out of the revenue of the First Fruits and Tenths to the Pendrils family for ever. The whole revenue of First Fruits and Tenths is about £13,000 a year, £3000 a year being sunk in the discharge of small livings under £50 a year, since Queen Ann's Bounty. When the revenue was first given to the clergy it was charged with pensions to the amount of £12,000 a year.

King William granted a commission to three Bishops and four Doctors to fill up four Bishoprics and nine Deaneries in Ireland. The Bishops were, the Bishop of London, Bishop Stillingfleet, and my Lord, then Bishop of Oxford. The Doctors were, Archbishop Tillotson, Archbishop Tennison, and two others. My Lord was then instrumental in making Dr. Digby Bishop of Elphin [2], who had a fine art of painting in miniature, in which he drew one of the best likenesses of my Lord, and the next best picture that was ever taken of him was done by an Irishman too, one Leland Ryland, who died in the prime of his life, at London. He was thought to have exceeded Kneller.

King Charles and the Duke of York told my Lord Anglesey in the House of Lords that Bishop Gauden was the author of *Εἰκὼν Βασιλική*; upon which he expected the Bishopric of Winchester, but Morley happened to have better interest at court, and Gauden had Worcester, and, to sweeten him, the disposal of all the prebends in the Church of Worcester [3].

[1] She was the Jane Lane who was largely instrumental in the escape of Charles II after the battle of Worcester. She died 9th September, 1689.

[2] Simon Digby, D.D., Bishop of Limerick, was translated to Elphin by patent of 12th January, 169½. He died 7th April, 1720. Dr. Cotton (*Fasti Hibern.* iv. 129) says that Walpole, in his *Anecdotes of Painting*, speaks of him as being 'a good limner.'

[3] See extract from Carte's note-book at the end.

November 13.

The Bishop of Gloucester, Dr. Benson, was at Hartlebury, and spoke of the mottos made for the three new Lords[1]; that for Mr. Fox was:—'Forte per angustam *tenuis vulpecula* rimam.' For Mr. How:—'Hoc erat in *votis*.' He had a seat called *Wishfort*, from whence he wished to have had his title, and his voting in the House of Commons was thought to have been of use to him in that he obtained.

When the bill for Marriage Licences was brought into the House of Lords, it was proposed that the Bishops should sign all the licences themselves, and in case they signed an improper one the penalty was to be deprivation. The Bishops that were in the House let the debates go on without saying a word, and my Lord Bradford came to my Lord of Worcester and asked him the reason of their silence. 'Do you think,' said my Lord, 'that we shall ever sign any licences, when deprivation is to be the penalty of signing a wrong one?' So the bill dropped.

My Lord Eltham, Lord Anglesey's brother, was a man of wit and gave it the liveliest turn. He was Clerk of the Closet to King Charles, and some Bishop preaching before him, the King asked Lord Eltham what was the reason he could not hear a word he said. 'Sir,' says he, 'the reason is plain; because you never make your Bishops before they have lost their teeth.' 'Hold, young man,' says the King, ''tis time enough for you.' He was but about twenty-seven.

My Lord of Worcester had four acquaintances of his own age and standing at Maudlin College together, who were all living within these four years: Carte[2], Bowles[3], Dr. Maynard[4], and Jenkinson[5], Minor Canon of Windsor and Curate of Dochet [Datchet]. The Duke of Ormond, upon my Lord's recommendation, would have given him

[1] Stephen Fox, created Baron Ilchester, 11th May, 1741; John Howe, of Great Wishford, Wilts, Viscount Chedworth, 12th May; and Henry Bromley, Baron Montfort, 9th May.

[2] Samuel Carte or Charte, B.A., 167¾, M.A. 1675.

[3] Matthew Bowles, M.A., Demy 1668–1676; died in 1742, aged 80. Bloxam's *Register of Magd. Coll.* v. 284.

[4] Edward Maynard, D.D., Fellow, 1678–1694; died 13th April, 1740, aged 86. *Ibid.* v. 319.

[5] Thomas Jenkinson, B.A. 1671, M.A. 167¾.

the school of Kilkenny which he had himself endowed very nobly, and from whence he had encouragement to look for a Bishopric. My Lord made him the offer at Dochet; 'Why John,' says he, 'doest think I'll go to Ireland to be a bog-trotter?' 'No,' says my Lord, 'you may be that here, between Windsor and Dochet, but is it not better to do it on horseback or in a coach than here on foot?' 'No,' says he, 'I have forty pounds a year at Windsor, and as much at Dochet, where there is not a house in the parish but I can look in their pots and choose my dinner, and if I had not some poor relations that's forty pound a year more than I should know what to do with.' My Lord told the Duke what Mr. Jenkinson said to him. He said that if he had as much power in England as he had in Ireland, he would make him a Bishop in spite of his teeth.

My Lord of Gloucester mentioned a prohibition that was granted against him out of the King's Bench for endeavouring to oblige a clergyman to reside in one of his livings, but that he designed to have brought the thing into the House of Lords; upon which my Lord of Worcester told him of a cause Bishop Trelawney had there, which cost him £1000 to gain, against an ignorant heterodox man to whom he refused institution.—But 'tis a maxim in those courts, *Boni judicis est ampliare jurisdictionem.*

Upon an order last session in the House of Lords for all the Peers to sit in their proper places, there was a little bench at the end of the Bishops' bench found to belong to the Bishop of Man, who had a right to sit there and hear the debates, but not to vote; and the Duke of Athol, now King of Man, said if the Bishop ever came over he should take his seat there and claim his right. This was what the Bishop of Gloucester, Dr. Benson, told my Lord of Worcester, who said that for thirty years that he had sat in the House he never heard of any such right being pretended to by the Bishop of Man.

Dr. Needham, a physician[1], the most learned man in his profession and out of it of any of his age, was a Staffordshire man[2], and a particular friend of my Lord's. He always advised to eat the core and the rind of an apple; in the first, he said, lay the principal spirit of the fruit, and the latter was of use in digestion. He offered himself in £2000 bail for my Lord when he was called to appear at the

[1] Walter Needham, M.D., Cambridge, died 16th April, 1691.
[2] A native of Surrey. Munk's *Roll of the Royal College of Physicians*, i. 434.

King's Bench for a pretended riot in the Court of Commissioners at Oxford, when my Lord protested against the authority of the Court when they turned him out of Maudlin. One time when my Lord had lost his appetite for many days he was restored to it by eating a number of apples.

Colonel Lane and Captain Lane, the father and grandfather of the present Mr. Lane, were of a brutish temper. They thought loyalty was equal to all the other virtues of the Gospel or Nature.

The Bishop of Gloucester, Dr. Benson, at Stanhope, in Durham, being out in the fields, asked a countryman how far the parish went northward. He told him seven miles. 'And what is the next place to it?' 'O! there be nea place beyond,' says he.

Honest Bishop Thomas was used to call the Lopez leases, of the lands of the Bishop of Worcester made to Dr. Lopez in Queen Elizabeth's time, *hopeless leases.*

December 4th.

Reeves, Dean of Windsor[1], was a brutish man, and one of the Prebendaries there coming in after the first psalm, he told him with an ill-natured pleasure that he must begin again, meaning his residence. The Prebendary with a good presence of mind calls to the Minor Canon that was reading prayers, 'Sir, do you hear? the Dean says you must begin again,' meaning the prayers.

Bishop Stillingfleet was of so happy a memory that he has told my Lord that he never wanted to be informed in any part of learning, but that he knew where to look for information; and Vossius says, 'Scire ubi aliquid invenias non minima pars eruditionis est.'

The Duke of Buckingham's steward, observing his extravagance, took the liberty to remonstrate upon it, told him he would spend his estate, and asked him how he intended to live then. He told him he would buy pigs, and live upon the tails and ears, and so sell them again for as much as they cost him. The steward thought he joked, and desired him to say seriously how he would live when all was gone. 'Why then, seriously,' says the Duke, 'I'll live as thou doest,' i.e. spend nothing, for the steward was a very wary man.

[1] Bruno Ryves, D.D.; died 13th July, 1677, aged 81.

January 19th, 1742.

My Lord was diverted with the remembrance of a story, which he knew to be strictly true, of Mr. [Rowland] Holt, brother to the Lord Chief Justice Holt, who when he was at Rome dreamt that he saw a lady whom he was to marry, and her name was Friscabella. He thought no more of it, but when he came back to London, walking the streets there, he saw a lady like to her he had dreamt of at Rome, and following her into a shop, when she was gone he asked the man of the shop who she was, which he told him, and that her name was Friscabella; whom he afterwards married[1].

The Lord Bellasis calling to wait on the Duke of Ormond when he was out, was told by his gentleman, Le Roche, who could not speak English, when he came home, that my Lord *Soufflé* had been to wait on him. The Duke said he knew no one of that name, and Le Roche could not explain it to him but by bringing a pair of *bellows*.

1st February [1743].

About two-and-fifty years ago[2] my Lord said he preached before the Lords on the 30th of January, and managed matters so as to please no party, but my Lords Scarborough and Portland came to him the next day in the House of Lords, and told him they brought the King's order that he should print his sermon. My Lord told them that such an order was usually looked upon as a mark of his Majesty's favour, but that he hoped he would not insist upon his order being obeyed. 'Perhaps,' said the Lords, 'you expect the King should speak to you himself.' 'By no means,' said my Lord, but he was utterly averse to printing, and begged they would take care that it might not be insisted on. When they found him in earnest they told him it should not, and as soon as they had left him, Bishop Lloyd, my Lord's predecessor, who had overheard all the discourse, tapped him upon the shoulder and told him, 'The wiser man you, for if you print you'll be continually quoted upon.'

Bishop Lloyd, as Lord Almoner, always preached at Court on Easter Day, and once being got into his chronology, which he had begun from the creation, Sir Charles Sedley going out met Mulgrave,

[1] *Prisca Ballowe*, of Thame, Oxon. Dr. F. G. Lee's *History of the Church of Thame*, fol. London, 1883, col. 622 *n*.

[2] There is no mention of this sermon to be found in the journals of the House of Lords. Probably it was in one of the three years 1692-3-4, for, strange to say, although the House was then in session during the month of January, no notice is taken of the usual sermon on the 30th.

the Duke of Buckingham, coming in; 'Well,' said he, 'has he almost done?' 'No,' replied Sir Charles, 'not by 1600 years, for he has got but to the Nativity yet.'

My Lord said he was pleased with a saying of the Duke of Ormond. Being told of a popish convert, he shaked his head. The Duke asked him the reason. 'I was always,' said my Lord, 'suspicious of converts.' 'So am I,' says the Duke, 'but I'm glad to hear of 'em; for their children, perhaps, may not know that their fathers were hypocrites.'

Bishop Stillingfleet was so admired and caressed for his writings that he had the vanity to enter into every controversy that was on foot. That with Mr. Locke was most unfortunate for him, wherein mistaking his own genius, and not aware of the strength of his adversary, he came off vastly inferior. But, however, he raised such an odium against Mr. Locke and suspicion of his orthodoxy, that when his *Essay of the Understanding* came out, eight or ten of the Heads of Houses were met together at Oxford to censure the book, and having spoke much against it, my Lord held his tongue as long as he could, but being unable to hold any longer, he asked him that sat next if he had read the book? 'Yes,' he said, 'he had looked into it, and that was the most that any of them had done.' 'Now,' said my Lord, 'I have read it, and find none of those things which you object against the book and its author;' and so prevented a public censure being passed on it.

Bishop Stillingfleet fell very foul upon the famous Dr. Halley too on the same account, who came to expostulate with him upon the occasion. The Bishop began to ask him some questions. The Doctor told him, 'My Lord, that is not the business I came about: I declare myself a Christian, and hope to be treated as such.' The Bishop would have had Mr. Locke to declare that he believed the Trinity according to the Church of England. He thought it sufficient to declare he believed it according to Scripture. There are those now-a-days that declare openly against Christianity, and others who, though they profess themselves Christians, live not as such, nor by their conversation show that religion is at all in their thoughts.

My Lord was speaking of Hooper, an honest madman of Maudlin College, of an extraordinary charity and many other Christian virtues; he said he had sometimes thought how the Ministers, Politicians, and

other great madmen of the age would appear in the Great Day of Account in comparison of him [1].

The Nonpareil Apple was brought immediately from Normandy to North Aston in Oxfordshire, about 150 years ago, and from thence [they] were propagated through England by Colonel Vernon, who lived there [2], at first under the name of the North Aston Apple. About seventy years ago, when coming one day into the kitchen, he took one of them up, as they were paring them to make pies, and tasting it, he asked what they called them; they told him they were the *Folk's Apple*, upon which he desired they might come into the parlour, and that the folks would take what were used for the parlour before. The Colonel sent some grafts to the King's gardener at that time, and from thence they were spread over England.

Sir Clement Fisher [3], upon the farmer's complaining of his rooks and desiring him to destroy them, said that though they seemed to stock up the corn, yet it was only a worm that they were fond of that bred at the bottom of the corn; and shooting a rook he shewed the farmers that its crop was full of them, and by placing a heap of corn and those worms before a live rook, confirmed them in his observation.

Colonel Titus, the author of a book called *Killing no Murder*, carried my Lord to Oliver Cromwell's funeral when he was seven years old. He says he remembers it very well; that it was a most splendid one, his image in wax being drawn by eight horses in an open chariot, &c., to Westminster Abbey from Whitehall or Somerset House; but his real body was said by his daughter to be buried on Edge Hill, by others in Naisby Field.

Inscription on a servant of my Lord's in Hartlebury Churchyard.

Here lies
Gervas, son of Thomas Taylor, and Elizabeth his wife, both of (*blank*).
A good-natured man, honest and diligent in his business, inoffensive

[1] William Hooper, M.A., Fellow, died 21st August, 1695, aged 73. An interesting account of him and his charitable eccentricities is given in Bloxam's *Register of Magdalen College*, v. 150–2.

[2] To this Colonel Vernon the Bodleian Library was indebted for the famous Vernon MS., which he gave in 1677.

[3] Of Packington; died 15th April, 1683. He was the husband of Jane Lane, as noted above, p. 394.

and cheerful amongst his equals, who never repined that he was born to serve.

There are many instances of children speaking things that discover an understanding above their years. The most remarkable that I have heard is that of Mr. Knightly who was Fellow of All Souls[1]. From a child he discovered a remarkable goodness, and his father was remarkable for his vices. The child having pleased him one day, when but four years old, he asked him, 'My dear, what shall I give thee?' 'Give me a good example, Pappa,' said he.

We had Parmazan-cheese brought to table, which was not much liked by the company there; upon which my Lord told us of a lady he knew, who when she was 80 took a thirty years' lease of a house to live in, but not liking it when she came to it, said she was resolved when that lease was out not to take it upon lease again. So he said, he might with as much propriety say that when that cheese was out he would not buy another.

May 8th.

On Sunday, between 11 and 12 at night, I lost my kind master, my much loved and honoured patron, the Bishop of Worcester. He was seized with an epidemical cold on Tuesday the 3rd at night, and continued wearing away by a very gentle decay, without pain or sickness, or any uneasiness that he complained of, till the time of his death, which he expected with the resolution of a martyr proceeding from the consciousness of a well-spent life and the prospect of a happy eternity. He discovered his disorder as little as was possible, to spare his weeping friends and domestics that he saw about him, and continued to behave himself agreeably to the goodness and sweetness of his temper, and the sanctity of his life and manners.

The following is a copy of a piece of paper of my Lord's own writing found with his Lordship's will:—'John, son of John Hough, citizen of London, and of Margaret his wife, daughter of John Burche, of Leacroft, in the county of Stafford, Esquire: was educated in Magdalen College in Oxford, and elected President thereof on the 15th April, 1687. Consecrated Bishop of Oxford, May 11th, 1690. Translated to the Diocese of Lichfield and Coventry, August the 5th, 1699, and from thence to this Diocese of Worcester, September 28, 1717. He was born April the 12, 1651, and died .'

[1] Marow Knightley, B.A., 1731.

'Lettice, daughter of Thomas Fisher, of Walshall, in the county of Warwick, Esquire, and Dorothy his wife, daughter of John Lacon, of West Coppice, in the county of Salop, Esquire, was first married to Sir Charles Lee of Billesly, in the county of Warwick, and after his decease to John, Bishop of Lichfield and Coventry, in the year 1702, by whom she was most entirely beloved, and by all other persons esteemed and valued for her good understanding, sweet and even temper, courteous and easy carriage, unblamable life, and prudent and exemplary conduct in every condition and circumstance. She was born July 20th, 1659, and died November 12th, 1722.'

LETTER FROM BISHOP HOUGH TO LORD DIGBY.

MY LORD,

I think myself much obliged to your nephew for his kind visit, whereby I have a more authentic account of your Lordship's health than is usually brought to me by report, and opportunity of informing myself in many particulars relating to your noble house, and the good family at Woodcoat, which I hear with the uncommon pleasure of one who has been no stranger to them. Mr. Cotes is remarkably blessed in his children, all whose sons are not only deserving but prosperous, and I am glad to see one of them devoted to the service of God; he may not perhaps have chosen the most likely employment to thrive by, but he depends on a Master who never fails to recompense those who trust in Him above their hopes.

The young gentleman will account to your Lordship for Hartlebury; but I fancy you will expect me to say somewhat of myself, and therefore I presume to tell you that my hearing has long failed, I am weak and forgetful, having as little inclination to business as ability to perform it, in other respects I have ease (if it may not more properly be called indolence) to a degree beyond what I durst have thought on, when years began to multiply upon me. I wait contentedly for a deliverance out of this life into a better, in humble confidence that by the mercy of God, through the merits of His Son, I shall stand at the resurrection at His right hand, and when you, my good Lord, have ended those days that are to come (which I pray may be many and

comfortable) as innocently and exemplarily as those that are passed, I doubt not of our meeting in that state, where the joys are unspeakable and will always endure.

I am,
My Lord,
Your Lordship's most obedient
and ever affectionate Servant,
Jo. WORCESTER.

April the 13th, 1743.

LETTER FROM CHARLES JERVAS, THE PAINTER, TO BISHOP HOUGH.

Rome, Feb. 24, N.S., 1703.

MY LORD,

'Tis now above a year since I have had the honour of a line from any at Whitehall, however I write on at the usual rate to let my friends see I am very loth to lose them. 'Tis supposed the King's death has altered my Lord Hallifax's intentions. I have had a dispute with the Pope about a carton of Raphael which I bought last March, and my management of the controversie has been so contrary to what this court expected, that they wish me farther off. Had the rest of our gentlemen here stood up with me for the honor of England, his Holiness had burnt his fingers, but either out of fear or neglect they lost a very handsom opportunity to make this government more civil to us than they are likely to be. The design was exposed to public sale for payment of Marquis Nerli's debts, and I bought it fairly and had it by me several weeks before the news of King William's death arriv'd, but that very day with the chamberlains, officers, soldiers, sbirri, etc., they took it away by force. No doubt they expected the affaires of England woud have been imbroiled in that nice conjuncture, else they had never ventur'd so far. But now 'tis believ'd the change is not to their advantage, they woud compound to have that great man alive again, for by long practise they had learnt his method of play and were less puzled than now, that they have a new sett of lively lucky gamesters to deal with, who are at least more active, and perhaps therefore more succesful. His Sanctity has condescended so low as to deposit the money I paid for it in a public bank, and here the business sticks. At an audience upon that occasion, Carlo Marat, principal painter and superintendant, being present, I complained of so notorious an injustice and affront, his Holiness promisd me all the

satisfaction I coud desire, by which I understood my carton or such a price as woud silence me, but when they heard it woud yield a thousand sterling in England, they were unwilling to part with such a summe: and it were endless to tell your Lordship how many mean tricks have been tryed to make me take my money; and timorous people wonder how I dare contest with the Pope upon his own ground, but I am resolvd to stand up for the honor of the nation; they can't deny but 'tis mine as lawfully as my coat, but they say 'tis of too great concern to be sufferd in anybody's hands who woud carry it from this city, and besides the Pope may do what he pleases. This is the first stroak of his absolute power, and is of the greater consequence because it must serve as a precedent in our favor or to our prejudice. I intended it for one end of the famous Hampton Court Gallery. 'Tis in black and white upon blue paper: all critics and judges of the art esteem it beyond any of his works, and 'tis the greater relick being the last design of that famous author. According to the Roman form, I waited upon Cardinal Sacropanti, and he was so ignorant, though a Lawyer, to say that a king of England too may take what he pleases from any person whatsoever, at what price he thinks fit; but I told him roundly that it was a Catholic mistake, that our Princes can do nothing but by law, that their subjects are not to be served in that manner, that they treat as robbers any that should touch the value of a penny without an act of parliament which alwaies implies our own consent. This Cardinal is a mean sly Italian courtier that sets up for Protector of our nation only to buble us the more effectually, and the sham takes with our wise governors and their sucking pupils. The Duke of Shrewsbury is a credit to his country and to his acquaintance, and tho' they say I have the fortune to be very well with him, yet he is too much a statesman to engage in this business without orders. Were his health as perfect as his understanding he woud not pass so much of his time alone. He takes a great deal of notice of our arts, architecture, sculpture, painting, etc.; his gusto is extraordinary in evrything, and he is come to a good pitch of knowledge in them. The news here for two months past is dreadful. So many and so violent earthquakes among our neighbors that 'tis next to a miracle we have escaped hitherto. Upon the 14th and 16th of January and 2nd of February ten thousand kild, and one may conclude as many more must dye of hunger, cold, and distempers occasiond by being exposd to lye in the fields, most without covering, many without cloaths, and all universally in or near those ruind cities, towns, and villages destitute of all things necessary. The Italians fancy ground floors unwholesom,

and therefore these calamities are the more fatal, not having warning enough to get downstairs. The first great shock at Norcia was at two hours in the night, and being stormy weather, all people within doors. Those of Aquila upon such surprizing warnings were retired into the fields under tents, hutts, etc., for twenty days, and presuming the danger over upon the 2nd of February, the Purification of the Virgin, being appointed for a general communion, and very fair weather hapning, most people venturd into town to a solemn devotion. The ordnary sort had dispatcht their affair in the morning, and most of the richer were taken in the act at St. Dominick's about noon; a furious wind ratling like thunder accompanying the agitation of the earth in a moment's time brought down twenty-six churches and sev'ral thousand houses. Those that were near the doors and where the streets were broad savd themselves, all the rest were crusht to pieces, or worse, left several days under the rubbish, to languish miserably of their wounds, or hunger, or cold, or all together, none daring to relieve another, for the shakes were repeated fifty times that day and continue frequent stil. Only the greater shocks affect us here; we had not a breath of air that remarkable Fryday neither before nor after, a dead sultry calm, sulphureous vapors felt in several parts of the town. Here are houses 1500 propt; a hair's breadth more, as one may say, woud have leveld all, and 'tis certain no place upon our globe ought to be so much regretted, shoud it be destroyed. No time could repair the loss: so many and so stupendous monuments of art and magnificence that must necessarily perish, that no pen nor pencil can express, nor the most elevated imagination conceive a just idea of their beauty. If my prayers woud signify anything, I coud forget myself and my acquaintance, and beg for the preservation of this glorious place. I happend with Mr. Michell of Leghorn (merchant) in my lodgings, which are very high and very good, except in an earthquake, we were rockt as in a ship for at least forty seconds. The ground trembles stil, but hope the worst is past, tho' we know they usually continue six months more or less. The first was in October. I am so loth to lose two months' time that I venture on with the rest, tho' to awake in the night and feel the house shake has something in't of terrible even to the most resolvd. The Duke is in a villa, but returns in a few days if nothing considerable happens; his palace has sufferd among the rest, and I know no place without some mark. We are as in a town besiegd; the first two or three days and nights few can either eat or sleep, but after that, tho' the number of bombs increases and consequently the danger, yet ev'ry body being equally

concernd, and no place safe, they expose themselves to mere chance as frankly as the bravest soldier. If there comes another rousing shock, I shal decamp. In the mean time I have taken care to pack up most of my things very safe and with triplicate directions to some that live abroad. All is consignd home, that there be no danger of losing by me, happen what will. I have had time enough to setle ev'rything, and so go on at my old rate. The dismal processions disturb more than the earthquakes, such continual howling and whipping themselves with chains and cords; crowns of thorns and habits lined through with fir bushes next their naked hides, arms strecht out and fastened to great crosses, with skeletons, houre glasses, sythes, and other horrid symbols that bring grist to the priests and frighten the rest of the world out of their wits and their houses.

If Portugal can be brought into the confederacy and Bavaria adjusted before May, somthing may be expected; however, ev'ry almanack-maker may safely fortell a warm summer. This letter is long enough for half-a-dozen, so perhaps I ought to beg pardon; but if this were all my fault, I am sure your Lordship woud easily forgive,

My Lord,

Your Lordship's

Most humble and most obedient Servant,

CHARLES JERVAS.

My Lord Bishop of Lichfield and Coventry.

LETTER TO HOUGH FROM TWO NON-JURORS,
WITH HIS REPLY.

MY LORD,

As we esteem it our misfortune that we are of sentiments different from those of your Lordship in some affairs that relate to civil governments, it would be of the last concern to us to find ourselves under a necessity to dissent from your Lordship in matter purely ecclesiastical.

In the first case the arguments seem to us to be so plain and convincing that they leave no room for enquirys, nor had we (as we apprehended) that immediate obligation upon us to apply to your Lordship.

But we hold ourselves in duty bound to referr all difficulties of the other kind to our Diocesan; and my Lord we find them so numerous, and of that importance that we are not capable of extricating ourselves without your Lordship's assistance.

But that we might not give too great an interruption to your Lordship's more weighty affairs, we have drawne the substance of some of our difficulties into the following short queries, which we humbly begg leave to lay before your Lordship.

Qu. 1. Can Orthodox Bishops be deprived of their ecclesiastical jurisdiction by a civil magistrate?

Qu. 2. Have not Bishops so deprived a right of communion with other Churches?

Qu. 3. Are the clergy and the people absolved from their canonical obedience by such kind of deprivation?

Qu. 4. Is not an unlawfull ejection of regular and Catholic Bishops and putting others uncanonically in their places a setting up altar against altar?

Qu. 5. Are not the clergy and people who join in communion with such succeeding Bishops involv'd likewise in the schism?

Qu. 6. And have not the regular successors (if any such there are) to such depriv'd Bishops a right to all the privileges of their predecessors?

And now we begg leave to assure you, my Lord, that as we have allways regarded schism as a crime of the most provoking nature, so our apprehensions of either continuing in, or falling into, one, must necessarily make us uneasy.'

Shall we not, therefore, in the midst of our difficulties, have recourse to him, whom by the disposition of Providence 'tis our duty to consult, whose known abilities make it easy to him and whose duty must incline him to assist us?

We therefore hope 'twill be unnecessary to importune your Lordship to favor us with a resolution to the preceding queries, especially when we profess it to be of the utmost importance to,

My Lord,
Your Lordship's most obedient and
Most dutiful sons and servants,
ELLIS FFARNEWORTH[1],
GEORGE OSBORNE.

If your Lordship please to favor us with an answer, please to direct for me at Wirksworth, or to Mr. Osborne in St. Peter's parish, in Derby.

[1] Apparently the clergyman of that name who was second in a succession of three; B.A., Jesus College, Cambridge, 1696; M.A. 1709, Vicar of Bonsall, Derbyshire. Nichols' *Literary Anecdotes*, ii. 392.

SIR,

On Tuesday the 2nd of October I received your letter at Eccles-hall, and on the 4th I set forward for this place, where, blessed be God, I arrivd on the 13th, and being now settled and at quiet in my own house, I take this first opportunity of telling you that the queries you lay before me I did consider seriously, sincerely, and with as much application as I am capable of. Above twenty-six years since, nay, I often debated them with a learned friend who died not long since, and whose posthumous book has revivd them again. You were too young to observe what pass'd in the world at the time I speak of, otherwise you would know that the questions you now ask were then the subject of very many pamphlets, and some of them very voluminous, as particularly the books written by Mr. Dodwell and Dr. Hody were, and I believe it is hardly possible to say anything on the one side or on the other which was not then said.

I know it is not your meaning that I should barely answer to your queries in the affirmative or negative and no more, for that would be of no use. You can easily guess my opinion, as I do yours, but if you expect that I should say on what reasons my judgment is grounded, I desire you sincerely to tell me whether you think it reasonable that I should enter into a controversy in writing with two gentlemen, and as many more as they please to take into it, upon a subject that many years since was throughly discuss'd in print, and which the press is again employ'd in.

I hope I act like a reasonable man and a Christian; 'tis my chief desire, and my utmost endeavour to do so; and as in the whole course of my life I have always been free to own my principles both religious and political, so I am equally ready to offer the reasons on which they are grounded, and to own the weakness of an argument when I am convinced of it. And therefore if you or any other of my brethren will take an opportunity of seeing me when it may be done with most convenience to yourselves, I will give you as civil and as friendly a reception as I can. I will openly and sincerely debate with you upon any question you please to propose, and if we cannot come to be of the same opinion, I hope we shall so order our conversation [that] we will take leave of each other without breach of charity on either side. But a dispute in writing is lible [*sic*] to so many obvious inconveniences that I must be excus'd if I totally decline it.

I had a letter with a sett of queries sent to me from Derby last winter, with direction how I might return my answer, and possibly you may not be a stranger to it; but as it came to me without a name, I

did not think it concerned me to take any notice of it. I have many nameless letters in the year of another nature; to which if I should have the least regard, my brethren would have just cause to complain: and methinks I should be as unjust to myself if I heeded any sort of application (how civilly soever address'd) from one who refus'd to be known. But you and Mr. Osborne have dealt more ingenuously with me, and therfore though I do not answer your queries, I think myself obliged to let you know I received them, and to tell you why I look upon it as unnecessary and inconvenient to do more. I might in my turn ask: whether you never thought on these questions before you enter'd into Holy Orders? or dureing all the time that you have been in the service of the Church under the obligation of oaths and declarations which must needs sit hard upon a doubtful mind? or if you have not hitherto thought fit to advise with me, how comes it that you have recourse to me now, when I have reason to believe you are determin'd in your judgment? But I forbear till it pleases God that we meet, when we may put questions to, and answer, and reply to each other, and in case of misunderstanding, explain ourselves.

I beseech Almighty God that He will give to you and me, and to all our brethren, meek hearts, upright intentions, and a right understanding in those things whereon our own eternal welfare, and the peace and honour and interest of His Church depends. I pray that His blessing may be upon you, and am [&c.].

Endorsed by Hough:

'Letter from Mr. Farneworth and Mr. Osborne, and my answer.'

CHARACTER OF HOUGH, BY MR. CONGREVE.

Observations on my coming into the Bishop of Worcester's family, 14 May, 1742, and was ordain'd Deacon by him and made his Chaplain on Trinity Sunday following. Was made Priest 19th September following, and had the living of Blockley on the 20th.

When I had seen his Lordship and the decent order of his house, the hospitality of his table, the attendance of his ministers, the ease and cheerfulness of all about him, there was no more spirit in me; the half was not told me, his virtue and piety exceeded the fame which I heard. I cou'd not but cry out with the Queen of Sheba, 'Happy are

thy men, happy are these thy servants that stand continually before thee, and that hear thy wisdom,' yet happier shall those be who follow his blessed steps, &c.

9th August, 1742.

My Lord has much overrated my services to him in telling me he designs the living of Blockley for me, or at least the Archdeaconry of Worcester: but there is no preferment I value so much as living with him whose service is its own reward. That simplicity without which no human performance can arrive to any great perfection was nowhere more eminent than in him.

He has the greatest propriety of thoughts and ornament of words. He is a perpetual fountain of good sense; learned in all sciences, and therefore speaks properly on all subjects. Proper words in proper places make the true definition of a style.

He never suffers any one to be sent unrelieved from his door: want with him is a powerful advocate, and next to merit.

In a spirit of true wisdom and becoming moderation he declined the offer of Durham or Canterbury, which Chancellor Cooper told him was designed for him, and chose to come to Worcester.

In the parish of Hartlebury he annually, at Christmas, clothes ten boys and six girls, who are likewise taught to read and work, and have a piece of money given 'em. Beside, £10 is given to the poor at that time, and £100 is annually given to the poor of Worcester, and many annual pensions to relations and others that are objects of charity.

His letters and conversation, the most polite, easy, and agreeable, the most cheerful, sensible, and liveliest too that I ever met with, shew him to be a perfect master of dialogue.

He has true wit, consisting in a justness of thought and a facility of expression; or, a perfect conception, with an easy delivery.

He always fill'd his station.

* * * * * * * * *

LETTER FROM RICHARD CONGREVE TO HIS MOTHER ON FIRST GOING TO OXFORD.

HONOURED MADAM,

I have been at Sir Adolphus Oughton's house in London about two weeks, and return'd from thence last Friday to Oxford, where I

met with the linnen you were so kind as to send me. My sister hints in her letter as if you were displeas'd with my thinking of tea things. I do assure you I should not have mention'd 'em, only my brother William told me you might probably supply me with any such things out of your old stock of household furniture; and if you consider 'em with their consequences, I believe you will find 'em to be the cheapest and most convenient article we can have in our colledge: for, not to speak of the great addition they make to the furnishing of our rooms, we have nothing at all for our breakfast but what we get ourselves, and I find tea to be at least by one half the cheapest thing I can get: indeed, as I am no admirer of the common tea that is drank, I chuse myself to breakfast upon that which is made of herbs, such as sage, balm, colesfoot, and the like; and if I am to make any acquaintance that may be usefull to me in future life, which is the only reason I am sent to this colledge, I believe I need not tell you that introducing myself into their company by asking 'em to my rooms to drink a dish of tea is beyond any comparison the cheapest and most convenient way I can possibly pretend to. I hope you won't think that my mentioning this has any tendency to extravagancy, for I can assure you there shall be none more assiduous and carefull than myself to save the least penny that may be better so than expended; tho' you can't be insensible but that now and then an inconsiderable trifle lay'd out, by recommending one to a good and proper acquaintance, is of infinitely greater advantage than if it was sav'd.

The expenses of this colledge are greater and something in a different way from most other colledges; however, according to my brother's proposall, after I am once settled here in Christ Church, I shall desire you only to allow me £10 per quarter punctually pay'd, and if you would be so good as to let me have it always at the beginning of the quarter, it will be much better for me, inasmuch as it will enable me to buy things at the best and cheapest hand, by having ready money to pay for 'em as I want 'em. With that £40 pounds from you and £20 per annum from the Charterhouse, I believe I shall be enabled, tho' not without many struggles, to live in a tolerable decent manner, till I get some little addition from the Charterhouse, which I don't live without hopes of, tho' it may be some time before it is to be got. Now if upon enquiry of any one who has lately been at this colledge, you can find there is a possibility of living in any competent manner under the summ mention'd of £60 per annum, I believe I may venture to say I won't desire you to allow me anything. A small specimen of some of our settled

annual expenses I'll give you:—Rooms, £8 8*s.*; Tutor, £8 8*s.*; Commons and Battlings, £20; Laundress, £2; Bedmaker, £1 12*s.*; Coals and Candles, £3 10*s.*; besides pocket-money, books, wearing apparel, and several other things that are unsettled and one can't compute the expence of.

My humble respects pray and duty to my aunt, and love and service to brothers and sisters, and many thanks to them for their kind letters. Brother Charles is not yet come to Oxford, but I expect him very soon.

I am, dear Mamma,
With the greatest respect,
Your very dutyful and affectionate son,
RICHARD CONGREVE.

Oxford, April 15th, 1733.

To Mrs. Congreve, at Mrs. Harwood's,
Near St. Chad's,
In Salop,
By way of Bath.

Free. A. Oughton.

APPENDIX.

In the year 1735 Thomas Carte, the historian, when on the eve of publishing his *Life of Ormonde*, visited Bishop Hough, who had been Chaplain to the Duke during the time of his vice-royalty in Ireland; and in a small note-book preserved among his MSS. in the Bodleian Library Carte has noted down various particulars which the Bishop communicated to him. Some of these are told in Carte's printed volumes, but without the name of his informant, and a few which are there omitted deserve insertion here as additions to the *Table-Talk*.

'May 26, 1735. Hartlebury Castle..... [*Life of Ormonde*, ii. 450.]

'The Bishop told me that the Earl of Anglesea was a very ill man, and he knew many particulars of him to shew it, especially one so very shocking that it could not be told without causing detestation, and he was willing to spare his memory.'

'October 25, 1688 (*read* 1687).

'The Bishop was turned out of the Presidentship of Magdalen. He dined that day with the Countess of Ossory, who taking a glass of Moselle wine and moving it under her nose for the flavour (for she never drank any), "Come Doctor," says she, "my service to you; be of good courage, 'tis but twelve months to this day twelve-month." "'Tis certainly so, madam," replied the Doctor, "but what then?" "I say no more," says she, "but remember well what I say; 'tis but twelve months to this day twelve-month." And that day twelve-month he was reinstated.'

'The Bishop told me it was always said and believed in the family that the King had all Lady Ossory's fortune.'

'May 30.

'In 1683 the Bishop, being at Cornbury with the Duke of Ormonde, received a letter by post in which it was related that Sir St. John Broderick was just then dead, and before he died had sent for the minister of his parish, and told him that he had a matter

lay upon his conscience which he could not die in peace unless he declared, having kept it secret too long, and specially since the knowledge of it might have prevented some calamities that had happened; and then said he was one to whom the secret of King Charles IInd's being a convert to Popery was confided. This when he went (as usual) into the Duke's room as he was dressing in the morning, upon his Grace's asking what news he had from London, he told him as a surprizing passage. The Duke of Ormonde said nothing immediately, but mused upon it: but a little while after he ordered a pair of folding doors that went out of a parlour into the park to be opened, walked out, and took the Doctor along with him: and then said, that it was certainly true that the King was a Papist, but that he did not believe what was related of Sir St. J. Broderick, because he was not abroad (as he remembered) when the King turned Roman Catholic, nor (if he was) of consequence enough to be trusted with such a secret; that himself first by chance discovered it (as the Bishop remembers) at Brussels, where the Duke of Ormonde being a very early riser used to amuse himself at times that others were in bed in viewing the publick buildings, walking about the town, and seeing the churches; that going one morning very early by a church, where a number of people were at High Mass, he went in, and advancing near the altar, he saw the king on his knees at Mass. He thought the King would not be pleased he should see him there; he retired as cautiously as he could, and went to another part of the church, near an altar where nobody was, kneeled down, and said his own prayers, till the King was gone.'

Only the concluding part of this passage, from the words 'The Duke being a very early riser,' is printed in the *Life of Ormonde*, ii. 254–5.

'When the Bishop was prebendary of Worcester [1686–90], visiting Bishop Thomas one day, who was a great royalist, and falling on the subject of the *Eicon Basilice*, the latter told him that when there was a dispute about the author of it, Mrs. Gauden, Bishop Gauden's widow, having talked confidently that her husband wrote it and sent it to the King, who copied it, the Bishop invited her to dinner one day, and after dinner admonished her very gravely and apostolically not to talk after that manner, for that her husband did not nor could not write it. She averred that she had seen him write various parts of it from time to time in his study, and having seen the progress of it knew it to be his. The Sunday following was Sacrament day, and when the Bishop Thomas gave her the Sacrament she took it, and

beckoning to him for a whisper, said in his ear, "What I told you of my knowing my husband to be the writer of the *Eicon Basilice* is true, and if it be not, may this Sacrament be my damnation[1]."'

'Bishop Hough tells me that the Duke of Ormonde had seen the Earl of Anglesea's memorandum, and had told him that neither King Charles nor King James believed it to be their father's work; but only that he copied it, perhaps corrected it in some passages, and adopted the whole as his real sentiments.'

At p. 55, vol. ii., the story that Bernini, the sculptor, when engaged on making at Rome a bust of Charles I from one of Vandyke's portraits, prognosticated his dying by a violent death, is told on the authority of 'a very reverend author.' The MS. copy begins, 'The Bishop told me.'

At p. 541, vol. ii., a story about the Duke of Buckingham's going as Lord Lieutenant to Ireland is carelessly given in the printed text as being related by Lord Rochester; but the words 'he mentioned' really refer to Bishop Hough.

A paragraph at p. 168, vol. ii., about a foolish dispute between Dr. Crowther and Father Leybourne, is introduced in the MS. by the following lines, which are partly embodied in Carte's notice of the marriage of the Duke of York to Anne Hyde at p. 250:—

'Lord Clarendon (the Bishop says) was a minister of greater probity than any has been since. He thinks he did not know of his daughter's engagements with the Duke of York, and was too sagacious not to see the envy it would raise against himself.

'Dr. Crowder, who married them, was a man of good sense and learning, but the roughest man he ever knew, except Dr. Ironside[2]. The match was so disliked that he got no preferment but a prebend of Worcester and the living of Tredington[3].'

The statement at p. 530, vol. ii., about Archbishop Tenison's attending the Duke of Monmouth during his imprisonment, and the

[1] This story has been transferred by a previous reporter to Gloucester as the place, and Bishop Nicholson, of that see, as Mrs. Gauden's interlocutor. See Wordsworth's '*Who wrote* Εἰκὼν Βασιλική?' 1824, pp. 31–2. But Hough's narrative is evidently correct.

[2] Gilbert Ironside, Bishop of Bristol, 1689, and of Hereford, 1691; died 27th August, 1701, aged 69.

[3] He was installed as a prebend of Worcester 7th March, 166½, and died 16th December, 1689.

Duke's disavowal of any criminal intimacy with Lady Harriet Wentworth (given in the MS. more strongly than in the printed text) is thus prefaced:—'The Bishop knows nothing of the quarrel between Lord Ossory and the Duke of Bucks, nor of the Duke of Monmouth's submission. But remembers what Archbishop Tenison told him of the Duke, who desired that he might attend him during his confinement.'

The Mrs. Stuart, daughter of Captain Stuart, whose marriage to the Duke of Richmond was promoted by Clarendon (vol. ii. pp. 351–2), 'was the finest woman the Bishop ever saw, of a noble and majestic presence.'

'Lord Clarendon (the Bishop says) had almost lost his power even in 1661, though he preserved his post so much longer.'

PART VII.

EXTRACTS

FROM THE GENTLEMAN'S MAGAZINE

RELATING TO OXFORD

1731–1800

NOTE.

THE following paragraphs contain references to, or summaries or transcripts of all the passages in the first seventy volumes of the GENTLEMAN'S MAGAZINE (London. 8° 1731–1800) known to me, which I believe likely to interest historians of Oxford town or University. I have consciously omitted (1) references to the Encaenia, violent storms and the like, where they contain no details, and (2) obvious quotations from well-known printed books. For unconscious omissions and errors of judgment I must here ask pardon. I have examined all the volumes myself, independently of the printed indices, and I do not doubt that I have made some slips. Sentences or words in inverted commas are quoted literally, with the original punctuation and orthography; sentences in square brackets are additions to the original, for many of which the reader has to thank Mr. Madan's learning; sentences which are neither in inverted commas nor in square brackets are intended to summarize what it seemed needless to quote in full. Many of the extracts have been already printed in the *Oxford Magazine* (vi. 376; vii. 124, 152).

I may add that, so far as I can judge, Oxford in the eighteenth century resembled the Oxford of to-day in one respect, that the newspapers busied themselves far more about it than about Cambridge. The following paragraphs have gained by this; it is possible that the University has not.

F. HAVERFIELD.

LANCING COLLEGE.

EXTRACTS

FROM THE GENTLEMAN'S MAGAZINE

RELATING TO OXFORD, 1731–1800.

I. (1731) p. 402. Wednesday Sept. 15. 'The famous Devil that used to over-look *Lincoln College* in *Oxford*, was taken down, having, about two years since, lost his Head in a Storm.' [This refers to a small stone figure on the top of a gable in the extreme N.W. corner of Lincoln, which may be seen, with another similar figure, in the engravings by Loggan (1675) and Williams (1733). See *Notes and Queries*, Indexes to 2nd, 4th and 5th Series. F. M.]

VIII. (1738) p. 106. Friday Febr. 10. 'This being St. *Scholastica's* Day, a certain Number of the principal Burgesses [of Oxford] did publickly pay each one Penny in Token of their Submission to the Orders and Rights of the University. The occasion of this Custom and Offering was a barbarous and bloody Outrage committed by the Citizens in the reign of *Edward* III against the persons and goods of several Scholars, which drew a great and just Amercement upon the Criminals. The City pretended they were not able to pay the Fine, without their utter Ruin, and did humbly pray and at last obtained a Mitigation from the University. An annual payment of 100 marks was then accepted: And this, by the farther Favour of the University, was changed into a small yearly Acknowledgement, *viz.* That the Mayor and 62 such Townsmen as had been sworn that year to preserve the Privileges of the University, should Yearly upon this Day repair to St. *Mary's* Church, and should then and there offer 63 Pence, in Memory of the barbarous Murder of 63 innocent Scholars.'

XV. (1745) p. 163. 'The late duke of *Beaufort* left £100 *per annum* in four exhibitions towards the education and support of indigent Scholars in *Oriel* College, *Oxford*.'

XVIII. (1748) p. 214. '*At a meeting of the* Vice-chancellor [J. Purnell], Heads *of* Houses *and* Proctors *of the* University *at* Oxford *on* Monday April 11, 1748:—Whereas there have been lately some very tumultuous disturbances and outrages committed in the

publick streets of *Oxford* by young scholars of the university, particularly on the 23rd of *February* last, amounting to a notorious insult on his majesty's crown and government, and in utter contempt of the wholesome laws and discipline of this university and of the governors thereof; we, the vice-chancellor, heads of houses, and proctors, this day assembled, think it incumbent on us to make this publick declaration of our sincere abhorrence and detestation of such factious and seditious practices, as also of our firm resolution to punish all offenders.' The decree goes on to recommend bursars, censors, tutors and deans to oblige all persons to attend the common hall at the usual hours of [midday?] dinner and supper, and to bid proctors to visit all 'coffee-houses, cook-shops, and victualling-shops' and punish scholars found there.

XIX. (1749) p. 164. An account of the opening of the Radcliffe Library with 'a more solemn and grand procession than has been known for many years.' The account concludes with the remark that the 'noblemen and gentlemen shewed great satisfaction in the conduct of the whole, and in the regularity and decency which appeared in the behaviour of all the scholars.'

ib. p. 235. Wednesday May 2 was heard at *Doctors Commons* by the Archbishop of *Canterbury* and his assistants . . an appeal brought by mr. *Bennet*, a Kinsman to Archbp. *Chicheley*, founder of *All Souls* College, *Oxford*, but rejected at the last election in *November*; it was determin'd, in favour of the appellant, to annul the last election and to issue out a monition to the College . . . to admit him into a fellowship as his right by consanguinity and to pay full costs. The Archbishop sat as Visitor. It appears by the *Magazine* of March, 1752, p. 138, that the case was still before the Archbishop three years later. The College was then condemned in £50 costs. [See 1793, p. 101.]

XXII. (1752) p. 347. In 1750 there were in Oxford, excluding 'the colleges and their inhabitants,' 1814 houses and 8292 souls. Birmingham had then 4170 houses and 23,688 souls.

XXV. (1755) p. 168. Account of a riot on Febr. 1747. It appears that seven gentlemen 'came out of *Baliol* College where they had that day met at an entertainment,' and proceeded to shout 'God bless King James' and similar 'treasonable expressions' about the streets. They roused, however, the wrath of 'the Rev. Mr. Blacow' as he 'was sitting in a private room at *Winter's* coffee house near the *High Street*.' Mr. Blacow appealed to the Vice-Chancellor to severely punish this enormity, but the latter remarked that 'nothing could prevent young fellows getting in liquor,' and tried to put the accuser

off, and end the matter by delaying the men's degrees for a year and inflicting an imposition of English to be translated into Latin. Mr. Blacow, however, brought the matter before the Government, and a prosecution was ordered in his majesty's court of King's bench against three of the rioters, two of whom were found guilty of treason. Mr. Blacow was promoted to a Canonry at Windsor.

XIX. (1759) p. 341. Account of the installation of a new Chancellor, the Earl of Westmoreland. The most curious point in it is an order made by the 'vice-chancellor and delegates' that 'all persons comport themselves with sobriety and modesty, upon pain of being entered in the black book.'

XXI. (1761) p. 331. 'The presidents of *Magdalen*, *Corpus Christi* and *Trinity* College, Oxford, attended each by one of their senior fellows, waited on the Bp. of *Winchester* with congratulations, and the usual present of laced gloves, his lordship being respectively visitor and patron of the said Colleges.'

XXXII. (1762) p. 40. 'It was discovered that a sum amounting to £600 had been stolen out of the Bursary at New College.' *ib.* 88. 'Upon re-examining the receipts and disbursements of New College, an error has been discovered, which accounts for the sum of money supposed to have been stolen.'

ib. pp. 54 and 136. Proposals to induce Fellows of colleges 'to take livings and marry.' The writer of the first letter considers that they are 'in regard to matrimony, almost as useless to the state as an equal number of Monks would be.' [Cp. 1790, p. 1182.]

XXXIII. (1763) p. 348. Account of the Encaenia at Oxford, held, as was then usual, during the first week in July. The ceremonies were much as they are now, except that the verse and prose recitations seem to have been confined to noblemen. The Duke of Beaufort spoke a copy of verses from the rostrum 'with a noble gracefulness and propriety.' The Earl of Anglesey 'spoke some English verses in a very distinct manner.' Lord R. Spenser 'pronounced a latin oration with a bold energy and great propriety of gesture.' The recitations ended with a latin dialogue on the Peace, the topic of the day, which must have resembled the Epilogues to the Westminster Plays. The opinions of the correspondent are noticeable. In the afternoon he heard 'that absurd composition, Acis and Galatea,' during which he thought the ladies 'would have wished for less music and more wine.' The building mania, which prevailed then as now, meets his great disapproval. 'The inhabitants appear to be more fond of multiplying

useless masses of stone than of adorning the face of nature.' Other buildings, again, 'are more overrun with nettles than with laurel.'

XXXVII. (1767) pp. 483 and 613. A letter relating to the arrival in Oxford of a 'Bubo Norwegiensis.' The place where the '*collegiorum et aularum praefecti*' met was then called 'Golgotha.' [This refers to a skit on Sir Hans Sloane, written in about 1720. See *Notes and Queries*, 2nd s. ii. 101 (where it is printed), 377. F. M.]

XXXVIII. (1768) pp. 91 and 122. Copy of reprimand delivered by the Speaker of the House of Commons to the magistrates of Oxford 'on their knees at the bar of the said House.' They had been previously imprisoned in Newgate (see 1775, p. 236).

ib. pp. 139, 221, 410. Paragraphs relating to the expulsion of 'six students of Edmund-Hall' for holding Methodistical tenets and taking upon them to pray and read and expound the scriptures and sing hymns in a private house.' One of the correspondents states that 'the meeting at Oxford had been kept up for a number of years.'

ib. p. 444. At this time the Arundel marbles were among the sights of Oxford. They were shown to the King of Denmark, who visited the city in September.

XXXIX. (1769) p. 114. The 'chancellor, masters and scholars' of the University presented a loyal address to the King, deploring the conduct of Wilkes and his friends.

ib. p. 411. 'The duke of Marlboro' paid a debt for the city of Oxford, which had lain heavy on the inhabitants for more than half a century, amounting in the whole to £5983 7*s.* 2*d.* On this occasion the bells were set a-ringing, and the freemen entertained by the liberality of his grace at more than fifty houses.'

XXXX. (1770) pp. 410 and 569. XXXXI. (1771) p. 18. Controversy on a violent dispute between the Visitor of a College and a Fellow who was visited. The college in question was Magdalen, and the dispute arose out of the statutes, which ordered that a college living of a certain value could not be held with a fellowship. The conclusion of one letter (1771, p. 20) is worth quoting:—'Our forefathers founded and amply endowed these seminaries with the commendable design of training up many wise and good men, who might from time to time propagate the seed of true religion and useful learning. The question is whether this glorious end will not be best answered by as quick a succession as possible of the members of these respective societies. A complaint is daily made that the admissions into our colleges are much fewer than they formerly were. This diminution is attributed partly to the perhaps unavoidable increase of

the expence of an Academical Education. But the less chance a parent sees of obtaining for his son a decent maintenance, within a reasonable period, after he has incurred so heavy a charge, the less disposed must he be to send him to the University.'

XXXXI. (1771) pp. 153 and 204. Description of Osney Abbey. [Those interested in the subject should consult the articles, and notice the plate attached to the first.]

ib. p. 250. Account of the Radcliffe Infirmary.

ib. p. 302. An uninteresting account of Commemoration, and of the Infirmary.

ib. p. 376. 'The workmen began taking down the North Gate of the City of Oxford, commonly called Bocardo and used as a prison, in pursuance of the direction of an Act for paving, lighting and removing obstructions and nuisances in the University. This prison is rendered memorable by the *Bishop's hole*, as it is termed, a most horrible dungeon, wherein Archbishop Cranmer with the Bishops Latimer and Ridley . . . were confined previous to their being burnt before Balliol College [see next extract]. . . . This edifice, according to our best historians, appears to be a place of great antiquity, having been used as a library for the University when in *Bellositum*, in the time of the Saxons, if not earlier; and according to Anthony Wood was standing in the year 700.' [See 1771, p. 423.]

ib. p. 377. 'A stone which lies before Balliol College and is shewn to all strangers as a great curiosity, being the very same on which the Martyrs Cranmer, Ridley and Latimer were burnt in the reign of Mary I (*sic*) is to be neatly inserted into the new foot pavement, with the following inscription engraved upon it, to prevent so remarkable a piece of antiquity being lost:—

Hic lapis
Episcoporum CRANMER RIDLEY
LATIMER
Veræ Religioni Catholicæ MARTYRVM
cæde eximia
Nec Non locus ipse
BRITANNORVM tunc Temporis
TYRANNIDE sub REGINA
Infelicitatem
Et sanguineum PAPISTARVM Errorem
Testatur.'

[This stone does not appear to be elsewhere mentioned. The fullest discussion of the exact spot of the martyrdom will be found in the *Proceedings* of the *Oxford Architectural Society*, New Series, vol. iii. p. 234 sqq. (1875). F. M.]

XXXXI. (1771) p. 423. 'The workmen employed in pulling down part of the city wall at Oxford, adjoining to Bocardo, for widening the northern avenue, found three Athenian silver coins of high preservation; another of the same coins had been found in taking down the prison, some days before. [See 1770, p. 376. The coins had no doubt been lost by some modern owner. Greek coins are rarely found in England, and Oxford is an impossible site.]

ib. p. 533. A detailed account, with a plate, of Carfax conduit. The conduit was built by Otho Nicholson, M.A., of Ch. Ch., 'who purchased a piece of ground 12 ft. square of the city, to erect on it this conduit for the conveyance of water to the several colleges and halls in the University. It was repaired by the University in 1707.' The notice closes with the remark that 'at the same time, when this fine acqueduct was building, another container was built for a reservoir on a rising ground above North Hinksey.'

XXXXII. (1772) pp. 41, 62, 104. XXXXIII. (1773) pp. 100, 102, 131 foll., 219. Petitions to the Cambridge senate and to Parliament to abolish the need of subscribing to the Thirty-nine Articles. Something of the same sort, it is stated, was 'agitated' at Oxford in 1772, and in Feb. 1773 a 'new declaration in place of Subscription' was proposed in Convocation. But 'the house would not consent to any alteration in the statutes.' The voting was 111 to 64. A fortnight later Sir W. Meredith raised a discussion on the subject in Parliament. Sir Roger Newdigate defended the subscription and, after a high debate, the house decided in his favour by 159 to 64 [see 1773, p. 307 foll.]. After the proposal to repeal the Statute in Convocation had failed, a motion was made to 'explain it.' Interest in the question was heightened by the refusal of 'a young gentleman of Peterhouse [T. Blackburne] to subscribe . . . for his degree of Bachelor of Arts.' On March 3 the Oxford motion 'to explain' was quashed as illegal. On the 19th 'a new form of subscription was proposed and thrown out by a very large majority.' There for the time the matter rested in Oxford. [It may be added that the objections to subscription to the Articles were made by members of the Established Church, and resembled the objections which have been raised in more recent times.] The objections are discussed *G. M.* 1772, p. 177, and 1773, p. 370, where the articles objected to are the 17th, 10th, 9th, 13th, 11th, 1st and 5th, 8th, 35th, and 3rd.

XXXXIII. (1773) p. 277. Account of some 'diluvian remains,' i.e. fossils, found 'in digging for gravel to make the new temporary road on the back part of St. Clement's.' The fossils included 'broad-

skirted gryphite oysters, fusi-form belemnites, ammonites,' etc. The writer, J. Platt, also remarks that the ammonites and oysters 'appear to be saturated with pyritical juices, many lumps or portions of that poisonous mineral being scattered in the clay.' He mentions besides some finds in 'Shotover quarry,' vertebrae of fishes, large bones, etc., notably the 'tibea and scapula of an animal not inferior in size to an elephant.'

ib. pp. 307 and 365. Detailed reports of the debate in Parliament as to whether subscription to the Articles should be demanded at Matriculation, introduced by Sir W. Meredith, opposed by Sir R. Newdigate. One or two details are quotable. A Mr. C. Jenkinson spoke of Rousseau as 'an ingenious madman.' Sir W. Meredith quoted Archdeacon Tottie as having said in an archidiaconal address that 'taken in a literal sense, the Articles are horror and blasphemy.'

XXXXIV. (1774) p. 412. Notice of Oxford in a *Tour in the Midland Counties*. The tourist objects to the private houses which were 'of timber plastered over, the upper stories projecting forward, yet not so ugly as in other towns I have seen.' He notices also 'a hospital in the suburb at the entrance from London, where none are admitted but such whose cure is judged capable of being affected by a medicinal spring within the building.'

ib. p. 458. The Pomfret statues have 'been for some years the property of the University of Oxford.' They have all been since engraved by Miller, in the 'Marmora Oxoniensia Ox. 1763.' Folio: 'a work, the design of which (says Mr. Gough) will immortalize the University, the nation and the age.'

ib. p. 490. 'Three new windows of stained glass . . . were fixed up in the north side of New College Chapel. They contain 24 figures of patriarchs and prophets as large as life, each within a nich, upon a pedestal and under a canopy of Gothic decoration. The design and execution do equal honour to the painter . . .' [read either '*four* windows' or '18 figures.']

XXXXV. (1775) p. 227. A long review of Chandler's *Marmora Oxoniensia* by 'S.'

ib. p. 236. Reviews of two books on Oxford, *The Ancient and Present state of Oxford*, after Anthony á Wood by the Rev. Sir J. Peshall, and *The History of the University of Oxford* [Anon.], both quarto, published by Rivington. The reviewer of the first book remarks that Peshall has omitted 'the humiliation and offerings of the mayor and his brethren and their pilgrimage to a certain castle not

unlike Bocardo in the year 1768.' [The allusion is to Newgate: see 1768, pp. 91 and 122.]

ib. p. 319. Letter from 'Justice' to 'Lord North, *chancellor of the University of Oxford*,' alleging that in the awarding of University prizes an unfair partiality had been shown to Members of New College and boys from 'Winchester school.' 'Is genius (says the writer) confined within the walls of a single college? or have Wykamists effectually kept Minerva among themselves by those iron rails with which they have surrounded their painted image of her?'

XXXXVI. (1776) p. 92, 'The Museum at Oxford was robbed of a quantity of valuable coins and medals by a Swiss hair-dresser. Among others is a golden piece of the emperor Otho, not to be matched in any of the cabinets of Europe.' From other notices 1776, pp. 141–432, and 1777, p. 144, it appears that the man was called le Maitre and had been admitted into the Museum as a teacher of French. He was captured and condemned to work on the Thames for 5 years, and most, if not all, the coins were recovered. [The museum in question is the Ashmolean.]

XXXXVII. (1777) p. 194. Notice of Elections of a Keeper of the Archives and Vinerian Professor, both contested. The Keepership candidates polled 266, 97, and 26; the Vinerian 231 and 226. In 1781 (p. 92) the voting for the former was 222 against 192.

XXXXVIII. (1778) p. 606. Fire in Queen's College. 'The whole roof and timber work of the left wing were consumed: nothing remains of it but the bare walls.'

XXXXIX. (1778) p. 438. 'From a MS. in the Harleian Library.' An agreement dated 1715 between one Wm. Brome, the Dean and Chapter of Ch. Ch. and B. Lintot, bookseller. Brome had the Queen's licence to print Chaucer and made it over to Lintot. The Dean and Brome were to deliver to Lintot a complete copy of Chaucer and 'Glossary' and 'correct it.' The profits were to be divided, the Dean's share going to build Peckwater Quadrangle. The share was apparently about £700. There were printed 1000 copies small paper at 30*s.* and 250 large at 50*s.*

L. (1780) pp. 119, 277. Observations on the 'Examination-system.' 'Every Undergraduate has in his possession certain papers, which have been handed down from generation to generation and are denominated *strings* . . . These consist of two or three arguments, fairly transcribed in that syllogistical form which is alone admitted. The two disputants having procured a sufficient number of them and learned them by heart, proceed with confidence to the place appointed.

From one o'clock till three, they must remain seated opposite each other, and if any Proctor should come in, who is appointed to preside over these exercises, they begin to rehearse what they have learned, frequently without the least knowledge of what is meant. [A specimen is added, translated from the original Latin.]

'Opponent] What think you of this question, whether universal ideas are formed by abstraction?

Respondent] I affirm it.

O.] Universal ideas are not formed by abstraction, therefore you are deceived.

R.] I deny the antecedent.

O.] I prove the antecedent. Whatever is formed by sensation alone, is not formed by abstraction. But universal ideas are formed by sensation alone; therefore universal ideas are not formed by abstraction.

R.] I deny the minor.

O.] I prove the minor. The idea of solidity is an universal idea; but the idea of solidity is formed by sensation alone: therefore universal ideas are formed by sensation alone.

R.] I deny the major.

O.] I prove the major. The idea of solidity is an universal idea; but the idea of solidity arises from the collision of two solid bodies: therefore the idea of solidity is formed by sensation alone.

R.] I confess that the idea of solidity is formed by sensation, but the mind can consider it as abstracted from sensation . . . .'

'Four times must this farce be performed before the student is qualified for the degree of Bachelor of Arts . . . The remaining Exercise necessary for the first degree is an examination in five sciences. The candidate provides what is called a *scheme*, which contains a collection of all the questions which will probably be asked him in each science, and he is sure of being pronounced properly qualified for his degree. It is true, he is examined in three classical authors, but as these are his own choice, and he has 3 or 4 years in which he may prepare himself, he will certainly take care to run no risque on this point.'

ib. p. 462. An attack on the practice of flogging boys. One passage bears on the Universities, 'Formerly indeed (as a late excellent writer of Milton's Life informs us) the brutal custom was transferred from schools to universities. Some of us also can well remember a certain divine, who afterwards becoming head of a college, was desirous that his favourite privilege should accompany his change

of situation, that, as he flogged the scholar [i.e. schoolboy], so he might continue the same operation on the junior fellow" [i.e. undergraduate. The writer of the letter is a New College man. The biographer of Milton meant is Sir John Hawkins.]

LI. (1781) p. 387. Account of Commemoration and of 'the anniversary meeting of the governors and subscribers to the Radcliffe Infirmary,' which at this time was always held just after the commemoration-day. Oxford was, it is said, never so full as this year. The entertainments included:—June 27: 'Commemoration' with a 'grand miscellaneous concert in the Theatre.' June 28: Choir service for St. Mary's at 11; after the sermon 'a very genteel collection was made for the benefit of the Infirmary. In the afternoon the oratorio of Providence was performed.' June 29: 'On this day there was a public breakfast. In the afternoon was performed another grand miscellaneous concert in the Theatre, and the evening concluded with a ball at the Town-hall.'

ib. p. 448. In this year the number of inhabited houses in Oxford, paying window-tax, was 2316. Only seven other towns outside of London could shew over 2000 houses at this time, viz. Birmingham (2291), York (2285), Sheffield (2092), Norwich (2302), Manchester (2519), Liverpool (3974), and Bristol (3947).

LII. (1782) pp. 334, 471. Plan for reforming the Universities. The chief points are (1) Fellows' incomes to be reduced, and All Souls 'which is useless' abolished; (2) 'no young man should be allowed a barber to disfigure the natural comeliness of youth;' (3) tutors and professors not to be necessarily clergymen; (4) cathedrals to be made into schools preparatory to the Universities, the chapter being the teaching staff; (5) the university examinations to be private 'that no boy having dull parts should be exposed to the sneer of his comrades.' A correspondent (p. 563) retorts that the incomes of the colleges are so small that no saving would be effected by these reforms, a small college having 'an estate of perhaps £800 a year.' The idea apparently was to apply the surplus towards defraying the national debt.

LIII. (1783) Pt. I. p. 129. Letter, signed C.C.C.C., on a bill presented to the House of Commons to enable the heads of certain colleges in Oxford to marry. The writer suggests that fellows non-resident should be allowed the same liberty. The question of a rapid succession to fellowships he dismisses abruptly: 'if no man expects to be a fellow, where is the injury to him to see a fellow of a college married?'

ib. p. 359. 'In digging the foundations of the new buildings at Christ Church College, on the spot where formerly stood Canterbury College, a skeleton of very large dimensions (*sic*) was found about 3 feet under the surface, supposed to have lain there upwards of 500 years, as some silver pence of King Edward the I were found lying close to the thigh bone. No coffin or any other vestige appeared by which it might be conjectured who was buried there. Something like half boots were found on the bottom of the leg bones, from which and other circumstances, it is imagined the corpse was buried in its cloaths. These remains were carefully collected, put in a shell and interred in the college chapel.'

ib. p. 462. Description of Godstow Nunnery, too long to quote. The place seems to have been much the same a century ago as it is now, but the writer mentions the remains of a stone coffin, and quotes a German who visited England in 1600 as having read an inscription on it, showing that it was Rosamund's tomb. P. 481 contains a plate of 'a brass seal found in digging a well near Godstow nunnery, about 9 feet deep in the ground. The inscription is CAPVT IOH'IS IN DISCO.'

[The preceding paragraphs have appeared in the *Oxford Magazine*. What follows has not been reprinted before.]

LIV. (1784) Pt. I. p. 5. Letter by 'T. L.' observing that W. Pitt (earl of Chatham), 'filius Roberti Pitt, Armigeri, de *Old Sarum*, &c.' was admitted as a commoner of Trinity College, Oxford, 10 Jan. 1726, '*sub tutamine magistri Stockwell.*' The entry is in the College register (fol. 258).

ib. p. 83. Note on Dr. Richard Newton founder of Hertford College.

ib. p. 323. Sketch and description of an ancient cup preserved in Oriel College bursary.

ib. p. 379. April 22. At the quarter sessions of Oxford, W. Smith and John Hawkins were tried for burglary, Joseph Simmonds for returning from transportation. All three were sentenced to death, though it was only quarter sessions.

ib. Pt. II. p. 494. 'P. Q.' had searched in vain for a statue of Egidius Romanus in the Pomfret collection of marbles. He also comments on a seal of S^{t}. John Baptist's hospital, without the E. gate of Oxford, which existed in the reign of King John. The seal is figured in the May number (p. 323) No. 4. In 1784, p. 725, 'R. C.' says that the missing statue is among the Oxford marbles, but is not

Roman. 'P. Q.' answers, p. 827. [The question seems to concern the title put on the base of the statue. See 1791, p. 333.]

ib. p. 506. 'J. G.' sends some monumental inscriptions from Ch. Ch. Cathedral, without comments.

ib. p. 551. Heavy storm on June 7. 'A perpendicular inch of water fell in 6 hours.' The storm was general over England.

ib. p. 568. 'Ancient painting . . . on a circular piece of very thick glass' representing St. Martin and the Beggar—plate annexed. [It is not said where in Oxford the glass exists.]

ib. p. 954. Trial for breach of promise to marry, brought by Miss Ann Smith of Oxford against Mr. Adye, formerly a student at Oxford, son of a Gloucestershire clothier. The jury found £4000 for the plaintiff: the trial was in London.

LV. (1785) Pt. I. p. 75. Necrologue of the rev. John Allen, vice-principal of Magdalen Hall.

ib. pp. 185, 268. 'Cancelling of leaves' in books printed at the Oxford press: remarks on Toup (see p. 340).

ib. p. 324. Necrologue of Thomas Bray, rector of Exeter College.

ib. p. 340. Remarks on the Oxford scholar Toup (cf. p. 185). The chief Oxford bookseller of the time is mentioned, Fletcher. [On Toup's books see 1786, p. 525; on Fletcher, see 1798, p. 448].

ib. p. 451. Letter 'Oxford, April 4,' asking for information about 'M. Kyssin, the Translator of the Adrian of Terence,' published in 1518.

ib. p. 459. On some books in the Bodleian. Milton, at Rouse's request, gave his poems printed in 1645 to the Bodleian: the book was lost, and Milton gave another in 1646. Milton's *Reformation concerning church discipline* is also there, with an autograph. In 1720 these two were tossed aside 'as duplicates' and offered to 'Nathaniel Crynes, an esquire beadle and a diligent collector of scarce English books.' But he, from political feelings, alive even in 1720, refused anything of Milton's. [This seems to be from Warton's edition of Milton's *Juvenile Poems*.]

ib. Pt. II. 508. 'An Old Correspondent' on the burning of Milton's books by the University in 1683. See also p. 587 'the incident is well known.' P. 683 cites the decree, *not* mentioning Milton.

ib. p. 512. Portrait of Christ in the Bodleian mentioned.

ib. p. 566. June 24. 'Mr. Fitzpatrick ascended alone in mr. Sadler's balloon at Oxford . . . and descended near Kingston Lisle.' [Such ascents were popular just then; see *e.g.* pp. 565, 567, 652.]

ib. p. 702. 'W. H.' writes to suggest better views for the Oxford

Almanac; the ruins of Oseney, Rewley, and Godstow, and the conduit, are mentioned. In a footnote the writer observes that there is a very remarkable echo 'on the south side of St. Thomas' Church, in the road leading to Oseney.'

ib. pp. 591, 765. Introduction of plays in Oxford by Dr. Bathurst, president of Trinity, while vice-chancellor. In 1785 plays were forbidden. The correspondent of p. 765 doubts if Dr. Bathurst ever allowed plays, and says that when 'there are players in the neighbourhood of Oxford, the gownsmen often go; which is the cause of frequent disturbances.'

ib. p. 827. Royal visit to Oxford. 'Their Majesties and Royal offspring' went to service at Christ Church, were played to in the Sheldonian by Dr. Hayes, visited the Bodleian, the 'Radclivian Library,' the chapel and library of New College, and of St. John's, and other places.

ib. p. 846. Latin piece mentioning Dr. Kynaston of New College (*G. M.* 1783, p. 627), Chandler, Browne of Ch. Ch., Howlett, Thoms, Jenkinson [of Univ. Coll.], Dr. Bentham [later Regius Prof. of Divinity], Green, Forster, A. M. Edward, Kennicott [the Hebraist], and another Forster. It is written by one Kals, author of a Hebrew Grammar (Amst. 1758) and teacher of Hebrew in Oxford. It is printed in the Preface to the 'Grammar.' In 1786, pp. 134, 201, are further notices. 'E. E.' corrects the identifications of some of the persons mentioned. 'J. H—' gives an account of mr. Kals, a Dutch teacher of Hebrew, resident in Oxford 1749–52, but not very successful, at least pecuniarily.

LVI. (1786) Pt. I. p. 6. Account of the Rev. Obadiah Walker, who was master of Univ. College, had private mass in his lodgings and set up a printing press there, at which he printed his own and some of Abraham Woodhead's works. He was ejected in 1689. The inscription under the statue of James II 'over the gateway within side of the old quadrangle, between the windows of the undergraduates' library,' is probably by him: it was then (1786) covered by a flat stone.

ib. p. 193. 'In the library of C.C.C. there is a large collection of Mercurius Aulicus, probably containing all the numbers ever published and, I believe, also of its antagonist, Mercurius Rusticus.' (P. H.)

ib. pp. 261, 262. William Mariner, Tho. Gerring, and Miles Ward broke into Magdalen College Chapel on Feb. 24 and stole 'a large pair of silver candlesticks and a large silver dish belonging to the communion table.' At the assizes they were tried, and after six hours' trial condemned to death.

ib. p. 375. 'D. N.' explains Hamlet's '*Let the Devil wear black, I'll have a suit of sables*' from a passage in the B.N.C. statutes 'shewn to me in MS,' which proved that 'sables were reckoned finery in those days.'

ib. p. 487. 'The common people at Wolvercote . . . have a tradition that the nunnery [of Godstow] was besieged by the Parliament forces and to prevent it falling into their hands, was burnt down by Col. David Walker (high sheriff of Oxfordshire) to whom it belonged.' David Walker is buried at Wolvercote. The nunnery is elsewhere (Pointer's *Chronology*, Wood's MSS. 'in the Ashmolean') said to have been evacuated in 1645.—'PHOSPHORUS.'

ib. p. 525. Toup's classical books, with his emendations and notes, were sold by auction at Leigh and Sotheby's (May 10–13). All the classical books 'were bought by the University of Oxford, for their intended new edition of the classics, before mentioned in our account of Dr. Askew's sale' (LV. p. 284). [There is a mistake here. In LV. p. 284 Askew's books are said to have been bought by Cambridge University, which was intending to issue new texts.]

ib. Pt. II. p. 599. Allusion to an Oxford burlesque imitation of the Laureate's Ode on the King's birthday.

ib. p. 611. Anniversary of the Radcliffe, June 26: 'the Governors went to St. Mary's, a sermon was preached by Dr. Randolph, and a collection made. In the evening a grand miscellaneous concert was performed at the Music Room, as the choral music of the term, selected chiefly from the works of Handel.' A notice of Commemoration follows.

ib. p. 707. The duke of 'Saxa Gotha' visited Oxford (July 25) on his way to Blenheim.

ib. p. 803. Letter from Oxford (Sept. 16) giving an account of the visit of Archduke Ferdinand of Austria. The Archduke put up at the Star Inn, some of his attendants at the Cross Inn. They saw the sights, and then went on to Blenheim.

ib. p. 805. 'A Delegacy from the University of Oxford attended the levée at S. James to thank their Majesties for their late visit' [1785, p. 827].

ib. p. 821. A piece of painted glass from Belgium, bought by an English traveller when the convents were broken up, was presented to the Warden and Fellows of New College. It represents 'the trial of our Saviour,' and is 'an oval of about ten inches long and eight wide.'

ib. p. 973. Review of A. Wood's *History and Antiquities of the*

Colleges and Halls, &c., edited and continued by John Gutch. (Oxford, 1786, 4to). [There is no criticism or correction.]

LVII. (1787) Pt. I. p. 83. The head of a college (not named) is swindled by an adventurer who pretended to be a stranger, called upon him, and 'after some little enquiry into the custom of the place, entered his name in the Books. Being then asked for his caution money, a sum always paid upon admission, he produced a draft of 40*l.* upon a very respectable house in London, of which the principal accepted 13*l.* and deducting the caution money, gave the young man the remaining 27*l.*'

ib. pp. 277, 287. Notice of the Rev. G. Dixon, D.D., principal of St. Edmund Hall.

ib. p. 358. Hon. M.A. conferred on the Rt. Hon. Lord W. Russel, of Christ Church.

ib. pp. 497–9. Letter from 'An Oxford Scholar' to 'the Oxford Undergraduate'; remarks on orthodoxy, and freethought, and Dr. Priestley [with no reference to Oxford].

ib. Pt. II. pp. 651, 910; (1788) pp. 92, 192; (1790) p. 991. Remarks on the 'Oxford Dictionary,' by H. Croft. [This, again has no reference specifically to Oxford beyond the fact that the Dictionary was written in Oxford.]

ib. p. 677. Account by 'Phosphorus' of founding of Godstow, 'transcribed from the chartulary of that house,' in the English version of Dame Alice Henley. A footnote refers to MSS. Rawl. 1330 in the Bodleian.

ib. p. 1146. A letter about servitors and sizars (unsigned) in connexion with some remarks in Sir J. Hawkin's *Life of Dr. Johnson*, pp. 12, 18. The writer says that there were two classes at Oxford, *battelers* and *servitors*, corresponding to the Cambridge *sizar* and *under-sizar*. The battelers (like the sizars originally) 'were under no obligation to wait on any one, though of an inferior order,' but 'sized,' i. e. bespoke and ate their meals in their own rooms. The servitor actually waited on others. The writer contrasts the 'degrading' position of the Oxford servitor very unfavourably with the state of things at Cambridge, where sub-sizars were almost extinct and sizars treated with consideration.

LVIII. (1788) Pt. II. p. 1031; LIX. (1789) Pt. I. pp. 151, 201, 295, 505. Accounts of 'the Rev. Jn. Henderson, of Pembroke College, Oxford,' who died at the age of 32. 'At 8 years of age he understood the Latin language so well as to be able to teach it at Kingwood School [Bath?]. At 12 he taught the Greek language in the college of Trevecka in Wales.'

LIX. (1789) Pt. I. p. 174. Mr. Routh 'is collecting the fragments of the Ante-Nicene fathers.'

ib. p. 289. Circumstances of the honorary B.A. degree conferred June 20, 1747, by the University on Benjamin Kennicott, the Hebraist. The Chancellor wrote a letter to the University, of which Kennicott preserved a copy in the first leaf of one of his books.

ib. p. 560. The standing requisite for a D.C.L. reduced to 11 years, after one speech on each side [in Convocation?] and a 'scrutiny, answering in substance to a parliamentary division.'

ib. Pt. II. p. 663. June 30 'The venerable oak, which stood at the entrance into the Waterwalk' opposite Magdalen College, was blown down. 'Its dimensions were as follow:—

In girth	. .	21 feet 9 inches.
Height	. .	71 feet 8 inches.
Cubic contents	.	754 feet.'

Dr. Stukely mentioned the oak in his *Itinerarium Curiosum* (ed. 1724) and he and the writer of the notice thought the tree was the same as the 'great oak,' which William Waynflete, founder of the college (A. D. 1448), directed to be the northern boundary. It was 'injured as far back as the reign of Charles II, when the present walks were laid out.' In LIX. (1789) p. 778, 'D. T.' corrects the history of the Magdalen oak, referring to Evelyn and Plot to shew that the 'waterwalk' was laid out before Charles II [cp. (1789) p. 998 and (1790) p. 103, passages not worth quoting].

ib. 'The altarpiece at New College is now restoring, under the direction of Sir J. Reynolds and mr. Wyatt. . . . The Society have now opened the whole, and purpose to have it restored. The colour is light blue and gold. It is opened with great care. The images were all demolished [apparently when Bp. Horne plastered it all up]. What remains is Gothic work, and up to the ceiling [as it was before 1879], with the niches empty. The bottom row has good sculpture of the nativity, &c.; the figures about a scale of nine inches. New College is now new-roofed and much repaired at the expence of 7000*l.*, and the altar's restoration will cost 2000*l.* more. This college is best prepared of any for such an undertaking. The light-blue tiles are used instead of lead.'

ib. 'The Bodleian Library is putting into good order, and has already been a year in hand. One two or three of the Curators work at it by turns, with several assistants. The revenue from the tax on the members of the University amounting to about 460*l.* per ann. for twelve years, has increased the library so much that a new catalogue

is preparing, and the expensive foreign publications have lately been purchased. A young man is forming a catalogue of all the singular books in this and the college libraries. The two magnificent prisons are now finished. The castle is in a noble style, in imitation of the best old work, designed by mr. Blackburne. The castle tower and the hill are carefully preserved.'

ib. p. 979. A correspondent in LIV. (1784) p. 349 had enquired the meaning of 'Turl'(street). 'ARCHAEVS *Surr.*' replies that it is of Saxon origin, and denotes a narrow opening. Other derivations given were (1) Keltic, 'a descent' (1784, p. 485), and (2) from Peter Thorold who lived near Turl gate ('P. Q.' *ib.* p. 495 from Peshal's *History of Oxford*).

ib. p. 1023. Review of *Facts relating to the Rev. Dr. White's Bampton Lectures* by R. B. Gabriel, D.D. The review deals with a personal question between the lecturer and Dr. Gabriel, and the originality of the lectures.

ib. p. 1045. The Hon. E. Legge and the Hon. A. Bathurst elected fellows of All Souls (Nov. 3) out of nine competitors [no other names are given].

ib. p. 1074. The monument to Dr. Wyntle in Merton chapel, with Plate.

LX. (1790) Pt. I. p. 403 (cp. LIX. Pt. II. p. 1023). Relation of Dissenters to the Universities. 'The greatest men among them a century ago were educated at these seminaries . . . now they are very much disposed to cavil' [an unimportant article].

ib. pp. 480–1. Death and burial of Thos. Warton.

ib. Pt. II. p. 789. 'Indoctus,' writing from Oxford, remarks that Gothic architecture is not 'hastening out of fashion,' and that Wyatt's restoration of New College Chapel [1789, p. 663] is a proof of this.

ib. Pt. I. p. 503; Pt. II. p. 1182. 'O. C. D. D.' on Married Fellows, advocating the abolition of celibacy. 'An Undergraduate' upholds celibacy. 'The greatest objection [to married fellows] is the consequent monopoly of College preferment. As the sons of the present Fellows grew up and became members of the University, they would of course offer themselves as candidates for the vacant Fellowships: the married members of the College . . . would indisputably give their votes to the sons of their own Fellows, in hopes of obtaining the same favour for *their* sons. . . .' [Cp. 1762, pp. 54 and 136.]

ib. p. 1193. A correspondent quotes Bentley's *Remarks on Free-thinking* (p. 150) on the number of men who are sent to the University in order to take Holy Orders afterwards, and the poor prospects pecu-

niarily which await them: 'a few shining dignities in your Church are the *pious frauds* which induce and decoy the parents to risk their child's fortune in it.'

ib. p. 1174. 'W. H.' enquires for a list of 'the portraits contained in the Oxford almanacks, especially those engraved by Vertue. Mr. Granger mentions only two years, but . . . there are many others full as worthy notice. . . . The University pay little regard at present to the credit of their Almanack; for what can be said, when we find in the Almanack for the ensuing year 1791, *two first Sundays in Advent*. November 27 is properly noted Advent Sunday, and December 4 is likewise called the first Sunday in Advent; December 11, the second instead of the third. . . .'

ib. p. 1195. Corrections of Gough's account of Oxford Colleges [in his 1789 ed. of Camden] (University, Baliol (*sic*), Merton).

LXI. (1791) Pt. I. p. 15. W. Williams on the antiquity of Oxford and Cambridge and the Caius-Twyne controversy relating to it. [The article has no contemporary allusions.]

ib. p. 98. Copy of an 'Address from the Resident Graduates in the University of Oxford, to the Right Hon. EDMVND BVRKE' and of Burke's reply to 'mr. Windham of Norfolk,' thro' whom the address was presented. A proposal to confer 'a diploma degree of LL.D.' on Burke was rejected by 7 Heads of Houses to 6, not (it is stated) because they disapproved Burke's views, but from a fear lest Convocation should not endorse the decree unanimously.

ib. p. 174. 'The steeple of St. Mary's, Oxford . . . has received so much injury by the late heavy gales of wind, that it will be necessary to take it down, to prevent the danger that threatens its neighbourhood.'

ib. p. 206. A long account of the Oxford almanacks from 1774 onwards, with notices of the engravings and subjects, by 'L. L.' [Cp. p. 524 and 1792, p. 206.] The writer incidentally blames the freedom with which honorary degrees were given, and quotes the case of mr. Price who about 1784 received the degree of M.D. for having discovered 'the art of transmuting baser metals into gold.' [Cp. p. 894.]

ib. p. 322. At a meeting of the Unitarian Society [see 1791, p. 894], with Dr. Priestley in the chair, 'the following sentiment was given after dinner, "May the sun of liberty rise on Oxford, as it has on Cambridge, and long since on the Dissenters."'

ib. p. 333. On the statue of 'Aegidius Romanus' (cf. 1783, pp. 675, 926). The Statue is the work of Aegidius Morettus, Romanus.

and the inscription on it only says that. It is not genuine and hence omitted in the Marmora Oxoniensia.

ib. Pt. II. p. 669. Full account of the 'Radcliffe Infirmary' meeting, Commemoration and three musical concerts. Haydn himself conducted some of his own pieces. After the Radcliffe sermon, 'the Governors dined together at the Star-inn.'

ib. p. 894. 'L. L.'s' letter (1791, p. 206) raised a considerable controversy. Some correspondents objected to him as unloyal to Oxford and a disciple of Priestley, who was just then founding a 'New College' at Hackney (pp. 503, 1101, 1169). Another, 'R. C.' tried to correct his facts as to Degrees. He says that mr. Price 'had . . . been a member of the University as a gentleman commoner; and, I believe, behaved with credit. In addition to this, when his degree was solicited, it was said that he was possessed of a large fortune, for which he had changed his name from Higgenbotham; that he had no design to practise as a physician, but was going abroad, where the degree would be a recommendation to him, and that he was the best chemist in the kingdom.' His supposed discovery of the philosopher's stone had nothing to do with his degree, for it was not published till 1782, after the latter was conferred. A sentence in the preface, p. vii (corrected in the 2nd edition), had suggested the erroneous idea. Dr. Price died in 1783 (pp. 893–6). 'L. L.' replied sarcastically (pp. 1009–10) but adds nothing to the facts. The refusal of the University to grant a degree to Abbé Raynal [the well-known French historian and politician, A.D. 1713–96], is also alluded to, but only vaguely. It is implied that Raynal wished for the degree (pp. 894, 1173).

ib. p. 973. Laudatory necrologue of 'Sir Richard Tawney, Knt., senior alderman and father of' Oxford, three times mayor, a brewer, who died, aged 71, on October 5. He left his business 'to his only surviving brother Edward Tawney, esq., senior alderman and now father of the city.'

ib. p. 985. Long account, with two plates, of Godstow. [This is mostly from published sources and little need be quoted.] 'In digging a navigation canal, West of the river, within these few years, several stone coffins have been found without the circuit of the present walls [of the Nunnery] to the East, probably about the site of the old church; some had bones, and all were destroyed except one, in the Museum of Mr. Fletcher, at Oxford, on the lid of which is, if I mistake not, a cross and a falchion.' (R. G.)

LXII. (1792) p. 529. Matthew Knapp sends a drawing (Plate 3,

Fig. 4) of 'a brass seal found in digging a well, nine feet underground, within the ruins of Godstowe nunnery.' [The inscription is apparently meant to read CAPVT IO'NIS IN DISCO, and the seal is the same as or a duplicate of that described 1782, Pt. I. p. 129.]

ib. p. 667. '*Oxford, June* 3. The election ended at Exeter College, after an examination of three days; when the Rev. Michael Dupré, M.A. and afternoon preacher of Tring was unanimously elected a fellow, and the Rev. Mr. Rosedew, B.A., the Rev. Mr. Best, B.A., and Messrs. Reed and Jones, B.A. were elected by a small majority fellows of that society. It was the strongest contest ever remembered, Mr. Dupré stood alone; but for the other four fellowships there were thirteen candidates.' [No other names are given.]

ib. p. 764. 'Several of the Colleges at Oxford are undergoing repairs, some to a very considerable extent. Magdalen College chapel has already got a new roof of stone instead of the old timber one which had begun to fall down by pieces. New College chapel is also under the hands of the workmen.'

ib. p. 806. 'It has been asserted that the Archbishop of Canterbury as Visitor of All Souls college, has set aside that part of the founder's statutes which directed that, in the election of Fellows, one of his kindred should have preference to a stranger.' [See below.]

ib. p. 1091. Account by 'VERVS' of a memorandum in the Oriel College archives, beginning:

'Index rerum quae D's Ep's Wigorn's dedit ecclesie beate Marie Virginis' signed by Ph. Hardinge 'vicarius ecclesie.' The bishop 'was probably Robert Carpenter, Bishop of Worcester, who had been Provost of Oriel.'

The writer then adds four then-existing monuments 'in a small and now deserted chapel, adjoining to the North side of the chancel of the above-mentioned church.' They are the tombs of Henry Berdone 'quondam pandoxator huius oppidi' (obiit A.D. 1487). Richard Berton, D.D. (obiit A.D. 1452), Peter Masholme (obiit MLXXXI (*sic*)), and Richard Demariscus (obiit 1494).

LXIII. (1793) Pt. I. pp. 101, 195, 519; Pt. II. pp. 721, 789. LXIV. (1794) Pt. II. p. 691. Correspondence relating to the limitation of the rights of founder's kin to be elected Fellows of All Souls. 'A. B.' writes once more (see 1791–806) to enquire what has been done (p. 101), and is answered (pp. 195–7) in full by two correspondents 'J. K . . . H.' and 'an occasional correspondent.' The facts, briefly put, amount to this: the difficulty of ascertaining and of comparing degrees of consanguineity, and of deciding between rival claimants

had become considerable, and the College had made ineffectual efforts to get the statutes altered in 1694, 1722, and 1761. At last, in 1776 or 1777, Archbishop Cornwallis, the visitor, authorized the college to reduce the Founder's kin fellowships to 10. In Nov. 1791 a *consanguineus*, J. Whalley Master, was refused a Fellowship under this rule, and appealed to the Chancellor. He decided against the college, but an appeal to the Archbishop reversed this decision. The Archbishop sat with assessors, the then Chief Baron Eyre and Dr. Wynne, judge of the Court of Delegates, at Doctor's Commons, July 24, 1792. The decision of the Archbishop is given in full (p. 197) and upholds Archbishop Cornwallis' scheme, as one which the Visitor had power to make. 'A. B.' returns to the matter (pp. 518–9) and asserts that the scheme was obtained from Archbishop Cornwallis, 'by the cunning of lawyers and the sophistry of civilians.' With this the correspondence ceases, but on pp. 721–2 and 789–790 is published a long account of an earlier contested election at All Souls in 1722, when the College accepted one Robert Wood C. F. only on compulsion. Mr. Wood seems to have been objected to only as founder's kin. 'A. B.' writes once again to the same effect as before, in 1794, ii. 691. [See 1749, p. 235. This controversy is described in Professor Burrows' *Worthies of All Souls* (Macmillan). The Commission of 1854 put an end to all such claims to election.]

ib. p. 217. A grumble because a man 'at the time he takes his Bachelor's degree, is obliged to pay fines for non-attendance of public lectures which are never read.'

ib. p. 392. 'SCRVTATOR' writes about the portraits, &c., in the Oxford almanacks (cf. 1792, 1073 and 1110). He adds that some of the portraits in the almanacs are certainly fictitious.

ib. p. 394–7 'L. L.' (compare 1792, Pt. II. p. 998) concludes his list of the almanacks, and has another attack on the unworthiness of some of the recipients selected for honorary degrees.

ib. pp. 509–511, 'CLERICVS,' compares the mathematical training of Cambridge with the Oxford classical system: the subject had been set at Cambridge 'for a dissertation to the middle batchelors.' He says most about Cambridge [being, perhaps, a Cambridge man]. Of Oxford he says, 'the principal criterion of a young man's proficiency is an examination in those branches (grammar, rhetoric, logic) by some friend of the candidate—to dead walls—thence denominated *wall lectures*.' He concludes by advising Oxford to admit scientific knowledge, and 'consider geometry as the most useful kind of intellectual exercise.' [This writer uses the word 'philosophy' in the sense of

'natural science,' just as, for instance, some local societies established long ago for the study of natural history and antiquities, call themselves 'Philosophical and archaeological, &c., associations.']

ib. Pt. II. pp. 662, 683. Long accounts of the installation at Oxford of the new Chancellor, the Duke of Portland, on July 2–6. The proceedings consisted of concerts, recitations, balls, conferrings of degrees, and a sermon by the Bishop of Dromore. [The legal installation took place Oct. 3, 1792, at Bulstrode: see the account 1794, Pt. I. 403 foll.]

ib. p. 863. Necrologue of Dr. John Thomas, bishop of Rochester and benefactor of Ch. Ch. and Queen's College (cp. 1794, Pt. I. p. 275).

ib. p. 1095. Reprint with notes of a Latin rhyming poem by Dr. Allibond (died 1658, Wood, *Fasti*, Pt. II. p. 723), describing in comic fashion the Visitation of the University by the Parliamentary Commissioners in 1648. It begins thus:—

Rumore nuper est delatum
Dum agebamus ruri,
Oxonium iri reformatum,
Ab iis qui dicti *Puri*.

[The *Rustica Academiae Oxoniensis descriptio* has been often printed. The two last editions, printed in 1834 and 1850, give also a rhyming translation into English, by the Rev. Vaughan Thomas.]

LXIV. (1794) Pt. I. p. 198. Letter on Gibbon by his Oxford bookseller, 'D. P.' The writer remarks incidentally. 'They admit at Magdalen college only men of fortune, no Commoners' [i.e., only Fellow-commoners, such as Gibbon was].

ib. pp. 403–406. 'A. OO.' gives a full account of the installation at Bulstrode of the D. of Portland, as Chancellor of the University, where the Vice-chancellor and 17 other delegates (named) held a Convocation on Oct. 3, 1792. [Cp. 1793, Pt. II. p. 663. There is a brief reference 1791, 955.]

LXV. (1795) Pt. I. p. 260. Short account of Dr. Samuel Dennis, president of St. John's College.

ib. p. 525. Note upon 'that extraordinary phænomenon, the Printer of the Oxford Journal.'

ib. Pt. II. p. 694. Lightning on Aug. 14 damaged the spire of St. Mary's, and perforated the dial of the clock, struck Mr. Mallam, 'the master of Blueboar Inn,' and entered the houses of Mr. Gee and Mr. Boswell in Blue-boar-lane.

ib. p. 797. 'Mr. John Gold, of the University of Oxford, hair-dresser,' died Aug. 22.

ib. p. 960. Nov. 2. A hawk chasing a lark flew into a window of Mrs. Rayne's house in St. Giles: both were taken alive.

ib. p. 962 (about the same date). A storm damaged the trees in 'the venerable row, in Christ Church meadow. *Joe Pullen* the famous elm upon Heddington-hills [*sic*], had one of its large branches torn off.'

LXVI. (1796) Pt. I. p. 251. March 4. The election to the Professorship of Botany, vacant by Dr. Sibthorpe's death, took place at the Royal College of Physicians in London. Dr. Williams (Ch. Ch.) received 18 votes, Dr. Powell (Merton), 10 votes. Sibthorpe himself (p. 253) left the University the MS. of a 'Natural History of Greece,' and an estate worth £200 a year to publish it, and found afterwards 'a professorship of agriculture and rural œconomy.'

ib. p. 357. Death of T. F. Wenman, Fellow of All Souls and regius professor of civil law since 1781.

ib. p. 446. Death of William Hyde, 'an eminent grocer, and very respectable character at Oxford.'

ib. p. 458. 'Are not the *buskins*, worn by doctors of divinity at an act in the university of Oxford, called *sotulares*? and do they not answer the account given by Mr. Fosbrooke in your last (p. 384) from Wilkins *Consilia*, Vol. II. p. 607?' P. Q. Mr. Fosbrooke had enquired about the *sotulares* mentioned by Strutt, *Dresses of the Inhabitants of Great Britain*, Pt. II. p. 48.

ib. pp. 639, 640. In a description of certain ancient coins, an account, with a facsimile, is given of a 'piece of gold found in St. Giles' parish in Oxford,' which Plot supposed to be a 'touch-piece of Edward the Confessor;' also of 'two silver coins found in digging the foundation for the New Town-hall at Oxford in 1751.'

ib. p. 759. A notice of 'Vestiges of Oxford Castle, by Edward King, F.R.S. and F.A.S., blaming him for having written independently, instead of continuing under the protection of the Archæologia, where he first started, . . . or 'joining himself to the splendid work on ecclesiastical architecture going on under the auspices of the Society of Antiquaries.'

ib. p. 831. Death of Mr. Daniel Prince, aged 85, an Oxford bookseller, for a long time manager of the University Press, and a contributor to the *Gentleman's Magazine*. He resided in New College lane.

ib. p. 919. R. H. complains of an All Souls M.P. being allowed to keep his Fellowship, since he ought not to be a Fellow if he has

£100 per annum, nor an M.P. unless he has £300 per annum. 'I am a plain man, Mr. Urban, and am occasionally puzzled by these contradictions.'

ib. p. 961. 'The University of Oxford has lately printed at its own expense, to be distributed *gratis* among the French clergy who have taken refuge in Great Britain (*ad usum Cleri Gallicani in Anglia exulantis*, as the title states) 2000 copies of the Vulgate of the New Testament. . . . It has sent its copies to the venerable Bishop of St. Pol de Leon for distribution, accompanied by a letter, analogous to the generous sentiments which dictate this honourable mark of esteem for the French clergy, who are fully sensible of the value of the gift.'

LXVII. (1797) pp. 5, 52, 208. Articles on Gibbon's attack upon Oxford University. One (p. 52) is a review strongly condemning Gibbon and shewing the sympathies of the *Magazine*, but there is nothing worth quoting.

ib. p. 103. 'J. N.' corrects an error made by Wood, in stating that Herrick the poet was at Oxford. A Robert Heyrick, of St. John's, became a soldier and died at Wesel in 1693, but the poet was a fellow-commoner of St. John's, Cambridge, in 1615–7. Three original documents, two letters and a note by Herrick, are quoted.

ib. p. 124. 'E. H.,' *apropos* of a statement in Capt. Gore's book on Godstow, that there was a subterranean passage to Woodstock, says that it is really a sewer leading to Witham. He had seen it himself, and supposed it to be the 'cundyt' alluded to in an early Chartulary of the priory (MSS. Rawl. 1330, fol. 3 *b*). [From his other contributions it is clear that 'E. H.' was a competent person.]

ib. p. 160. On Dec. 25, near 8 a.m., the Observatory thermometer was at −2°F., 'the greatest severity of cold ever observed in this place.'

ib. pp. 254, 354. Notices of Dr. Randolph and of Dr. Hayes the musician, 'supposed to be the largest man in England, and nearly equal in weight to the late celebrated Mr. Bright, the miller, of Malden, Essex.'

ib. pp. 377, 914. Prints of (1) 'the stone pulpit in the first quadrangle' at Magdalen, never before engraved; (2) an inscription from a window 'in the small quadrangle (*vulgo* Mob)' at Merton, *Oxonium quare venisti* (*sic*) *premeditare*. Dr. Barton, late warden, had told the writer there was a similar hexameter in another window of the same room, *Nocte dieque cave tempus consumere pravè*. (3) 'St. Katharine from a window in the same room.' It had been broken, and the head

lost for many years. (4) Opposite p. 13 is a print of the old entrance to the small quadrangle of Merton. 'The room over the entrance . . . is called the scrape-trencher's room (the place where the porter whets the knives), through which there is a passage from the warden's lodgings down into the vestry. . . .'

ib. p. 574. In answer to an enquiry (p. 147), 'D. H.' quotes from a 'letter from the Mr. R. Moses to Dr. Ducarel, Queen's college, Oxford, Nov. 7, 1751. "The book you enquire after, which has the Devils' (*sic*) hand-writing, is Ambrosius's Chaldee Grammar. I cannot remember that I ever saw another copy. . . No copy but this (as I can learn) has that page in it."'

LXVIII. (1798) 15, 95, 195, 282, 384. 'TERRÆ FILIUS' (p. 15) wrote to denounce 'the deplorable degeneracy of Oxford and Cambridge.' He particularly attacks the gentlemen-commoners, who 'take the lead in every disgraceful frolic of juvenile debauchery.' 'A *gentleman* (or *fellow*) *commoner* pays, for neglecting matins or vespers, 2d each time; the hours of closing gates, 3d; lectures, 4d; meals in hall, 1s; St. Mary's on Sunday, if detected, 1s.' On p. 195 the writer said he intended to have followed up these remarks, but such discussions, in the troublous times, 'might injure the cause of learning.' Meanwhile (p. 95) 'MONTEM' wrote to say that the root of the mischief lies deeper than the University and begins at school. On pp. 282–5, 'G. B.' [a writer who indulges freely in italics and capitals] attacks *Montem*, and asserts [as the latter had actually done] that the Universities were not so much to blame as the schools, while 'PHILO ETONENSIS' (pp. 285–6) defends Eton against the implied attacks of *Montem*. The latter answers (pp. 383–4) that he can prove his statements, but will drop the matter as *Terræ filius* had done.

[The following extracts from 'G. B.'s' letter are of interest from the manner, if not from the matter.] 'Has not *Montem* heard of the very strict discipline of the Dean of Christ church? of the still stricter of the Bishop of Chester, head of Brazen-nose college, who locks his gates *every* night at *eight* o'clock? . . . Almost 40 years ago, when I was barely 16, Oxford had many young members both "in the *silken* and the *gilded*" robe [nine at Ch. Ch. named] . . . whose regularity and punctuality in attending prayers, lectures, and St. Mary's, was uniform. At the small excellent college of Trinity were Lord Lewisham (now Lord Dartmouth), Lord North, Mr. Edwin Stanhope, &c., &c., all as regular as GREAT TOM. Of Lord Lewisham and Lord North it was said that, during their residence at Trinity, they never missed early prayers in their college chapel *one* morning, nor any evening when not

actually out of Oxford, either dining out of town, or on a water-party. . . . I have never heard my son, who entered not till he was several years older than his father (that is surely one, there be *but few, wise modern fashion*), ever mention these lamentable fallings-off of discipline, &c. . . . I well remember his telling me, that one night, after spending the evening out, on his return he observed a crowd near Exeter back-gate, and prudently crossed to the other side. His ear was immediately arrested by the voice of the *Proctor—Siste per fidem.* He said, that he felt as if he had been nailed to the pavement, remembering his oath on entering the university; but instantly recovering himself, he sprung across the road with, "Sir, what are your commands?" "To assist me, Sir, against this vile rabble." My son told him that he had just quitted four or five other gentlemen, with whom he had spent the evening, and who, *he could answer for it, would be happy in assisting the* PROCTOR; who thankfully assented. He flew, and in a *very* few minutes returned with this worthy reinforcement, who soon accomplished for this vigilant officer of the University all he wished. . . . I one day, on going into Oxford, was told by three or four different acquaintances that Lord ——, eldest son of a peer of *high* rank, was *quitting* Christ-church, and had entered himself at St. Mary hall, *because* the Dean would not allow him to go hunting *without* asking his permission. . . . My remark on this *sudden* removal was, "I dare say his father (with whom I was formerly acquainted) will immediately come down, make him humbly *submissively* beg the Dean's pardon, and entreat him to re-admit him. I *most certainly* would do so were *he* MY son." . . . I know there is also [discipline] at Lincoln, having often heard the very witty rector, Dr. Tatham, say, that he suffers no one to be *idle there* but himself. . . . I lately heard that the very learned and worthy principal of Alban-hall receives young gentlemen into his *own* private house; as many years ago did a head of University-college. And I have heard an aged friend of mine say, he remembered, when at Oxford, the present Lord Coventry, and his literally angelic brother Lord Deerhurst, who died at the age of 26, . . .; having no other rooms than under the Master's roof, they *dined* in the hall.'

ib. p. 59. Query about a college called *Otuenhall*, 'the election of whose Provost was to be confirmed by the Archbishop of York, as visitor. . . .'

ib. p. 86. Notice of Dr. Neve, Margaret-professor of Divinity.

ib. p. 391. A Tour through England and Wales by Charles Sheppard, *junior*. The writer notices Ch. Ch., Magdalen ('the piazza of

the new building is considerable for its extent and beauty'), New College ('the west window of the ante-chapel is beautiful beyond description'), the Bodleian, the Pomfret marbles, the Castle, &c.

ib. pp. 448, 533. Death of Mr. James Fletcher (aged 68), an Oxford bookseller, formerly partner of Mr. James Rivington, St. Paul's Churchyard. He was succeeded in his business by his partner Mr. Hanwell, 'who has taken in with him Mr. Parker (a lineal descendant from Dr. P. bp. of Oxford), who served his apprenticeship to the late Mr. Daniel Price.' [Compare 1785, p. 340.]

ib. pp. 747, 824. Denial of a statement that the Oxford Surrogates could or did grant special marriage licences.

LXIX. (1799) pp. 204, 449. The Radcliff travelling fellowships. One Fellow, Dr. Broxholme visited Padua: while in Paris, on his way back, he cured a rich merchant of whose life the local doctors had despaired. His fee was 500*l.* Mississippi stock, which he afterwards sold for 10,000*l.*

ib. p. 460. 'D. H.' enumerates the Bampton lecturers from the first in 1780 till 1799, and eleven of the 'Lady Moyer' lecturers between 1720 and 1743.

LXX. (1800) p. 199. 'C. D.' writing on Milton, suggests (in answer to 1792, p. 789) that a note in a Bible supposed to have been Milton's, was wrongly punctuated, and meant that Milton's father was born in Oxford.

ib. p. 947. Notice of *Apollo's Pocket Book* by 'Ausonius.' [I cannot find that any such book existed, and the article seems to be an elaborate joke. Some of the alleged 'extracts' contained in it relate solely to slang, and are not uninteresting, if not taken too literally,] '(1) HOXE, HOAX, GOAXE, a word much in vogue in political circles. It signifies to make any person the object of ridicule by a species of acclamation. The word is borrowed from the kennel. (2) A RAFF; in the universities it is used for any person not entitled to a gown. (3) TO CVLMENILE, to travel on the outside of the stage coach. It is now used in the same sense in the universities as *riding raff* formerly was. TO JOBE, TO BADGER, to rate, to censure with harshness. Badger, in an academical sense, implies anger with brutality annexed. (4) SPRVNG, intoxicated in a slight degree. (5) TO SHEW THE LIONS, to show rare sights in art and nature. A new sense has been attached to this phrase in the universities. *There* lions are those strangers that visit the colleges, and make some stay with the collegians, eating and drinking without mercy.' Other words quoted are *fag*, *bungy*, to

employ servilely; *kick*, perfect ('all the kick'); *lick, leather, bamboozle, cheat, chouse*, &c.

ib. pp. 1047, 1253. The mode, not the matter, of the Oxford degree examinations is to be changed.

ib. p. 1097 (Nov. 12). Thos. Hardcastle (of Merton) elected Anglo-Saxon professor by 148 votes, against Sam. Henshall (B.N.C.) with 71 votes.

ib. p. 1136. 'ACADEMICVS' discusses the origin of *Rhedycina*.

APPENDIX

TO

COLLECTANEA, VOL. II.

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CATALOGUE OF ORIEL COLLEGE LIBRARY.

(COLLECTANEA, VOL. I, p. 57.)

P. 65, note 1, *for* '1409–10' *read* '1410.'

P. 62, l. 19, *for* 'C. J.' *read* 'C. 9.'

P. 67. De Rethorica, &c. Add note to 'Martini': '*Lege* Martiani, i.e. Martianus Capella, author of a treatise on the Seven Arts.'

P. 67. 'De Geometria,' &c. Add note to 'Euclidis': 'This MS. is now in the Bodleian Library (Auct. F. 5. 28). It has the word "latera" on its second leaf. On the fly-leaf is the inscription, nearly erased, but still faintly legible, "Liber scolarium domus Beate Marie Oxonie [comparatus] per magistrum Johannem Cobildik Anno Domini M° c°c°c° tricesimo septimo precium xx solidorum et non accommodetur extra domum nisi consanguineis predicti magistri Johannis sub racionabili cautione." Below is a memorandum as follows: "C(autio) M. Willelmi Bridly exposita ciste Gildeford in festo Sancti Barnabe Anno Domini M° cccc° xxj pro viginti solidis." William *Brydly*, Fellow of Oriel, appealed to Bishop of Lincoln, Visitor of the College, for order to be admitted actual Fellow, having completed his year of probation. Order is issued by the Bishop, Sept. 15, 1417.'

C. L. SHADWELL.

SUPPLEMENTARY NOTES

TO

COLLECTANEA I, PART III,

DAY-BOOK OF JOHN DORNE,

BOOKSELLER IN OXFORD, 1520.

By FALCONER MADAN, M.A.,
FELLOW OF BRASENOSE COLLEGE, OXFORD.

(Including 'A Half-Century of Notes,' by HENRY BRADSHAW, M.A.,
late Librarian of the Cambridge University Library.)

PREFACE.

SINCE the Day-book of John Dorne was issued in the first volume of the Collectanea in December, 1885, considerable light has been thrown on the many points which I had been unable to solve, partly from want of the requisite knowledge and partly from lack of time.

The most important addition to our knowledge of Dorne is the discovery of two additional leaves in Dorne's handwriting, found by Mr. J. G. Milne of Corpus Christi College, Oxford, as fly-leaves in a copy of Hotomann's *Quaestiones* (Hanoviae, 1601, 8°), bound in the 17th century, and presented to the Library of his College many years ago. They are described by Mr. Milne in a letter in the *Academy* of 8 Feb. 1890. The two leaves, which are not quite perfect, are here edited in the same manner as the 1520 Day-book of John Dorne in the first volume of the Collectanea, although the many calls on my time have made it even more difficult than before to give proper time to the notes. The two leaves are entirely distinct, and therefore Nos. 2064–2114 in the following list *may* precede 1953–2063. The first leaf (*A*) is similar to the Day-book of 1520, but as the system of marking days and Sundays is not found (which Dorne would hardly drop, when he had once elaborated it), it may belong to a rather earlier period, say 1518–19. The second leaf (*B*) appears to be, as Mr. Milne suggests, a stock-taking, of uncertain date. One or two peculiarities may be noted, as the use of 'Horae' as well as 'Primarium,' and the small quantity of Erasmus's books, but too much stress must not be laid on evidence derived from two single leaves.

By far the next most important contribution is 'A Half-Century of Notes on the Day-book of John Dorne. . . . Contributed by Henry Bradshaw.' On Monday, Jan. 25, 1886, Bradshaw received a copy of the printed Day-book, and by

the end of the week he had found time to make and copy out in book-form fifty notes on such points as had specially struck him on a perusal of Dorne's Ledger. On the 5th of February I received by post the Notes in a bound folio volume. It was the last piece of work which he finished. About midnight on Feb. 10–11 he died. Some account of the marvellous bibliographical knowledge and acuteness displayed in these notes will be found in G. W. Prothero's *Memoir of Henry Bradshaw* (London, 1888), p. 319. The Notes have been twice reproduced, first in photo-lithographic facsimile in 1887, and again in the *Collected Papers of Henry Bradshaw* (Cambridge, 1889), p. 421. But this seems to be pre-eminently the proper place for their partial reproduction, and they are accordingly here printed, except the Title, Preface, List of Entries, Index, and some of the *lemmata*, in their natural place in Index I.

Grateful thanks are also due to the following, *quos honoris causa nomino*:—F. J. H. Jenkinson, Esq., Librarian of the Cambridge University Library and Fellow of Trinity College, Cambridge; E. G. Duff, Esq., of Wadham College, Oxford; W. B. Squire, Esq., of the British Museum, and Professor J. W. Hales. Their names are indicated in the following notes by the first letters of the surname, with the year in which their note reached me. The late Professor H. W. Chandler kindly contributed a note on Gilbert Crab's edition of the Nicomachean Ethics of Aristotle.

Of Dorne himself a few particulars may be put together. Panzer has noted that the first book known to him as printed at Brunswick (*Regimen sanitatis Anglorum Regi ex Parisiensi gymnasio missum*) issued from the press of one Joannes Dorne on V Id. Jul. 1509, and Mr. Duff has pointed out that the British Museum possesses a school-book, *Remigius siue dominus que pars*, 'Brunswick in Joannis Dorn noua artis calcographie officina impressus . . . 1507.' Dorne may have tried his fortune as a printer to the east of his native country before he turned bookseller in the west, but there is no proof of this at present obtainable. In 1524, however, we catch

one glimpse of him in Oxford in a Lay Subsidy Roll, where he appears as a privileged person of the University of Oxford, as all stationers and booksellers at the time were. This Roll, which will shortly be published by the Oxford Historical Society, among ten stationers or booksellers, specifies five as 'Douchmen,' William Howberghe, Johan Thorn, Gerard Pylegreme, Balchasar (Balthasar?) Churchyard, and Harry Renkens. The Thorn of this Roll can hardly be any but our friend Dorne. The two first in the list owned 40*s.* in goods, and paid to the king 10*s.*, no one else contributing more than 3*s.* The proportion of one-fourth appears to be due to the high alien's tax which all the Dutchmen paid.

It may be suggested as a possibility that the *Vosgraf* or *Nosgraf*, who occurs as the author of *Bene fundatum* (probably a small grammatical work, now lost) on p. 149 of Collectanea, vol. 1, is the Thomas Moscrof who was a public lecturer at Corpus (Oxford) at about this time, see Wood's *City of Oxford*, ed. A. Clark (Oxf. Hist. Soc. xv. 1889), p. 541 *n.*

One point remains: Bradshaw (Note 24) suggests that if the two fly-leaves on which occurs Thomas Hunt's list of books valued at Oxford in 1483 (printed at the end of Dorne) are unconnected, then entries 1889–1917 might well precede 1852–1888, the connexion of 1918–1952 being doubtful. The two leaves *are* entirely unconnected, and the facts are as Bradshaw surmised.

FALCONER MADAN.

April, 1890.

[For the plan on which the two leaves of Dorne's book here following are printed, see *Collectanea*, vol. 1. Italics imply that the letters are not written at length in the originals, and italics within square brackets that the letters are not even directly represented by marks of contraction. A zigzag line indicates part of the leaf torn off.]

[A recto, 1] * * * * * *

[1953]	1	pronosticon			1
	1	textus philosophie fabri ligatus	1		8
	1	primarium paruum }			
	1	textus institutionum }			10
	1	anthonius andrie expositio cum ex[emplis?] . }			
	1	metaphysica trombeti sine[?] fo[lio] 2^{bus} ligata }	9		4
	1	pronosticon			1
[1960]	1	portiforium in vno keruer li[gatum] . . .	3		0
	1	accidens stan[brigii] }			
	1	paruulia . . }			3
	1	processionale sarum li[gatum] . . }			
	1	holcot super sapientiam paruus li[gatus] }			
	1	primarium magnum ligatum . . } .	5		4
	1	ser[m]o[n]es hocot parue . . . }			
	1	summa raymundi ligatum	1		2
	1	questiones scoti super logicam anti[quae] ve[tel] .	2		
	1	Gesta alexandri magni }			
[1970]	1	Vita omnium philosophorum }	1		1
	1	pronosticon			2
	1	decretales rowan ligatum }			
	1	chatholicon rowan li[gatum] }	10		4
	1	ars versificandi rob[er]ti gaguini. . . .			2
	1	of the wondes			1
	1	accidens stan[brigi]j			3 j
	1	abraham de natiuitatibus	1		10
	1	breuiarium cisterciense ve[tel] li[gatum] . .	3		0
	1	adagia erasmj			6
			1 li	16 s	5 s et 2 d

[A recto, 2] * * * * *

[1980]	1	Gra*mmatic*a stan[*brigii*]
	1	manuale saru*m* li[*gatum*]
	2	p*r*onostication
	1	formalitates tro*m*beti
	1	festiual lig*atum*
	1	burle*us* s*u*p*er* logica*m*
	1	guille*r*mu*s* accursij s*u*p*er*[?] inst*itu*ta
	1	the bocke of kokery
	1	missale saru*m* lig*atum* anti[*quum*] a° folio
	2	p*r*onostico*n*
[1990]	1	medulla gra*mmatic*e
	1	por*tifori*um de camera li[*gatum*]
	1	regime*n* sanitatis turgin[?]
	1	olfacies me*n*tu*m*
	1	pa*r*uula pa*r*ua
	1	accide*n*s pa*r*ua
	1	Guillermus pa*risien*sis de 7 sacra *mentis*
	1	catho cu*m* *commen*to
	3	su*m* es fui stan[*brigii*]
	1	decretu*m* mag*num* lion
[2000]	1	su*mm*a a*n*gelica li[*gata*] rowan
	1	vocabulariu*s* juris
	1	vita jhesu lig*ata*
	1	jacobu*s* de valen*ci*a s*u*p*er* psal[*mos*]
	1	q*uestio*nes scoti s*u*p*er* lo[*gicam*] ve[*net*]
	1	dorbellu*s* s*u*p*er* sen*tenti*as paru*us* li[*gatus*]
	1	autoritates aresto[*telis*] cu*m* *commen*to
	1	vita phi*losoph*oru*m*
	1	q*uestio*nes s*u*p*er* donatu*m* pa*r*ue
		2 li 13 s

[A verso, 1] * * * * * * *

		s	d
[2009]	*Gaietanus super* li[*bros*] methaororum .		
[2010]	*Questiones* alberti de celo et mun[*do*] . .		
	Johannes jandonus *super* li[*bros*] de *anima* .	12	
	Opera tartareti *paruum* li[*gata*] . .		
	figure biblie *ligate*		
	auctoritates aristote[*lis*] cum *commento*		
	bellum grammaticale		
	questiones alberti		6
	Modus significandi		
	opuscula sancti gregorij		
	tius super 4to *ligatus* . . .	7	4
	Malleus malleficarum		
[2020]	*Vorlongi super sententias* l[*igatum*] . .	4	
	udius in metha*physicos sine commento*		
	li[*gatus*]	1	2
	chatolicon rowan li[*gatum*] . . .	4	
	theologia naturalis li[*gata*] . .		
	meditationes jordani	3	10
	autoritates aristotelis *cum commento* .		
	opusculum wytthonum	1	1
	portiforium in vno *keruer* l[*igatum*] . .	3	
	textus philosopie fabri li[*gatus*] . .	1	8
	textus philosophie bricot li[*gatum*] in		
	co[*rio*].		7
[2030]	*vocabularius* juris li[*gatus*] . . .	1	
	albertus de *virtutibus herba*[*rum*] . .		3
	expositio gabri. canone. mis[*arum*] li[*gata*]	4	
	leuis of hampton		
	the fryre end boy		6
	grammatica sulpicii li*gata* . . .	1	
		2 li 6 s	5 s 6 d

[A verso, 2]	* * * * * * *			
[2038]	1	idem in co[rrio] re[centi?]	1	8
	1	resolutio theologorum li[gata]	1	10
	1	Grammatica sulpicij paruus lig[ata] . . .		6
	1	bricot super philosophiam ligatum . .	3	8
[2040]	1	textus [*erased*: then:—] questiones tarta[reti] super eth[icam]		
	1	Gemma predicantium lig[atum] ant[iquum?]	4	2
	1	textus philosophie fabri li[gatus] . . .		
	1	figure biblie ligate		
	1	tulilius de officiis sine commento	1	4
	1	tullius de off [all *erased*]		
	1	salustius sine commento .		
	1	salustius s [*erased*: then:—] cum commento liga-		
	1	tus	1	8
		secreta mulierum		4
	1	Jartuar		4
	1	medulla grammatice		6
[2050]	1	douns qua[terni] pars[ing??]		
	1	primarium longum		10
	1	textus terentij paruus		
	1	lex saracenorum		7
	1	dubia circa missam		
	1	opera bernardi ligata	7	
	1	primarium longum		
	1	Regule sonsonij	1	2
	1	missale sarum frans li[gatum]	6	8
	1	seneca de 4or virtutibus		3
[2060]	1	textus virgilij ligatus	1	2
	1	a b c in papiro		2
	1	textus virgilij li[gatus] . . .	2	8
	1	elegantie valensis cum commento . . .		

[B recto]	* * * * * * * *			
[2064]		alesius [?] de saxo ... *cor*io	1 s	
		*quest*iones jo cano[*nici*] *super* 8 li[*bros*] phisi-*corum*	1 s	
	2	q*uest*iones scoti s*uper* vniu*er*salia . . .	2 s	
	1	suetoni*us* cu*m* 3 [*sic*]	3 s	3 d
	1	Gerrad*us* s*uper* ethica*m*	2 s	
	1	egidi*us* s*uper* li[*bros*] elencor*um* . . .	1 s	
[2070]	4	epi*st*ole phalaridis	1 s	
	1	practica razis	1 s	8 d
	2	lactanti*us* firmani	4 s	
	2	castigationes plinij	3 s	4 d
	3	Marcialis cu*m* *comment*o	4 s	6 d
	4	marcialis capelli	4 s	
	3	blandi flauj	5 s	
	1	tragigia senece	1 s	
	11	bore carmelitarum	1 s	10 d
	2	cu*m*t . . *ent*um georgi val [*le*]	2 s	
[2080]	2	ja*n*don de a*n*ima	2 s	6 d
	2	ja*n*dan s*uper* phi*s*ica	4 s	
	2	dyogenis lartij	1 s	8 d
	1	op*er*a pici mira*n*dule [all *erased*] . . .	3 s	4 d
	2	tuli*us* de natura deoru*m*	1 s	6 d
	2	[*erased*, then] 1 egidi*us* s*uper* ph*i*sica*m* . .	4 s	
	2	ovidi*us* de fastis	2 s	
	2	tusculane tulij q*uestiones* cu*m* fi[*nibus* ?] . .	2 s	
[2088, 2089]	4	diurnale rowan [faint] 2 p*re*dica [*menta* ?] . .	2 s	2 d
		* * * * * *		

[B verso]	* * * * * * * *			
[2090]		gillermus accursij	j^{e} [?]	
		antho[*nius*] an[*dree?*] *super* methaphysicos [?] quest*iones*....	1 s	
		jandon s*uper* phigi^{cum} [?]	3 s	
		thomas de celo et mu*n*[*do*]	3 s	
		tung[*r*]is s*uper* posteriora	2 s	
		egidi*us* de a*nima*	2 s	
		ouidi*us* de *re*medio amo[*ris*]	2 s	
		practica seraphionis	3 s	3 d
		strabo de situ orbis	1 s	3 d
		chatologus sanctor*um*	5 s	4 d
[2100]		macrobi*us* de so*m*nio ci[*pionis*] . . .	2 s	6 d
		silli*us* italic*us*	2 s	
		apuli*us* cu*m* *commen*to	3 s	
		horati*us* cu*m* *commen*to	2 s	
	2	valerio max*imo*	4 s	
		manipulis curator*um*	2 s	
	1	alb*ertus* de homi*ne*	2 s	6 d
	1	co*n*siliator in medi*n*s [medic*inis*?] . . .	3 s	3 d
	4	hore ro[*wan*]	1 s	
	4	hore p*ar*ue ro[*wan*]	8 s (erased)	8 d
[2110]	2	Decatdes totas liuij cu*m* figu[*ris*] [last two words added later]		
	2	Gill*er*mus accurci	1 s	4 d
	2	tomas de a*nima*	2 s	
	3	poletia s*anc*ti thome	5 s	
	1	ort*us* sanitatis	2 s	
		.....	.....	
		* * * * *		

[The Indexes which follow should be taken in connexion with the corresponding ones in Vol. I of the Collectanea, and incorporate all the notes and corrections received since they were issued, as well as the items of the Dorne entries 1953–2114. In the first Index when no note is attached to a book, the reference is indeterminate, that is to say cannot be fixed to any particular edition of the book. If nothing be known of the book in the ordinary works of reference or the Editor's personal knowledge the word [*quaere*] is added, and the suggestions and help of readers are particularly requested. For general plan see the former indexes. It should be remembered that nos. 1–1888 relate to Dorne's Daybook of 1520 (Collect. vol. 1), 1889–1952 to an Oxford list of books in 1483 (ibid.), and 1953–2114 to the preceding list. The present indexes are (1) a supplement to those in vol. 1, and (2) the main indexes of nos. 1953–2114.]

INDEX I.

BOOKS, AUTHORS AND WORDS.

A B C in papiro, **2061.** See *former index*.

In Lord Robartes's Library is an ABC of Sarum use which may be as early as 1520. (Duff, 89.) This will shortly be published in facsimile.

Abraham ibn Ezra. Abraham de nativitatibus [Ven. 1485, fol.], **1977.**

Accursius, see *Guillermus*.

Aegidius de Colonna, Romanus.

Egidius de Anima [expositio Egidii super libros de Anima Aristotelis], **2095.**

Egidius [Expositio Egidii Romani] super libros Elenchorum [Aristotelis], **2069.**

Egidius super Physicam [in Octo libros Physicorum Aristotelis], **2085.**

Aesopus.

'1245 1 esopus grecus 1 quaternus (with 2 others). 4^{d}.

This can hardly be an Esop in Greek. "Esopus Grecus" is the usual title of the "Facecie morales Laur. Vallensis alias Esopus grecus," of which there were seven editions printed in the Netherlands alone in the fifteenth century, each consisting of one quire (6 leaves in 4°, "1 quaternus"); see CA.[1] 31–37.' (Bradsh. 1.)

Agricola, Rudolphus, see *Rodolphus*, Caspar.

Albertus Magnus, see *Missa*.

Albertus de Homine [de quatuor Coaevis et de Homine], **2105.**

Albertus de virtutibus herbarum, **2031.**

Secreta mullerum, **2047.** See *former index*.

Albertus de Saxonia.

(Quaestione s Alberti [de Saxonia?, see *former index*], **2015.**

(Questione's Alberti de Celo et mundo [Aristotelis], **2010.**

Albertus Sigandus?).

(Modus significandi [see *former index*], **2016.**

Alesius. Alesius de saxo, doubtful in **2064.**

Alexander the Great. Gesta Alexandri magni [probably the De rebus gestis Alexandri Magni of Quintus Curtius], **1969.**

Alst (former Glossary, p. 77, Index ii, p. 176).

'688 1 colloquia erasmi alst. 4^{d}. [&c.]

Aalst or Aelst is the vernacular name of the town which we know as Alost. Thierry Martens, the friend of Erasmus and printer of many of his books, having started as a printer in his native town of Alost, removed to Antwerp in 1493 and afterwards to Louvain; and he is called by himself and his friends indiscriminately

[1] i.e. Campbell's *Annales de la Typographie Néerlandaise au XVe Siècle*, La Haye, 1874, 8°.

either Theodoricus Martini or Theodoricus Alostensis. The above list of entries tend to shew that Dorne distinguished Thierry Martens' editions from others at first by the printer's name (Alst) and afterwards by the place of their publication (lo- or loua-nii).

1141 1 erasmus de constructione louani. 3d.

(You have printed this louani; are the italic & roman letters here accidentally changed about, or what does it mean?) [It should be "louani." F. M.].' (Bradsh. 13.)

Andreae, Antonius, see *Antonius* Andreae.

Angelus a Clavasio, see *Summa angelica*.

Anglia.

Mappa Angliae. The copy alluded to by Hearne (see *former index*), or a similar one, is now in the Pepysian Library at Magdalene College, Cambridge, and a fragment of one is in the British Museum (Duff, 89).

Annius, Johannes, see *Johannes* Viterbiensis.

Antonius Andreae.

Anthonius Andrie expositio cum ex(emplis?) [*quaere*], 1957.

Possibly some commentary on the Andria of Terrence, by an Antonius (Mancinellus?).

Anthonius Andree super Methaphysicos [Aristotelis] questiones, 2091.

Antonius de Butrio, see *Speculum*.

Apuleius. Apulius cum commento, 2102.

Arge-, see *Crab*, Gilbert.

Argyropylus, Johannes, see *Crab*, Gilbert.

Aristoteles, see *Bricot*, Thomas; *Duns Scotus*, Johannes.

De Anima, see *Aegidius* de Colonna, Romanus; *Johannes* de Janduno; *Thomas*, s., Aquinas.

Auctoritates Aristotelis, see *Auctoritates*.

Categoriae (Praedicamenta) Predicamenta, 2089.

De Coelo et Mundo, see *Albertus* de Saxonia; *Thomas*, s., Aquinas.

Elenchi, see *Aegidius* Romanus.

Ethica, see *Crab*, Gilbert; *Gerardus* Odonis; *Tartaretus*, Petrus.

Metaphysica, see *Antonius*, Andreae; *Miscellaneous Entries*, at end.

Meteora, see *Gaietanus* de Thienis.

Physica, see *Aegidius* de Colonna; *Johannes*, Canonicus; *Johannes* de Janduno.

Politica, see *Thomas*, s., Aquinas.

Ars bene moriendi, see *Speculum*.

Ars versificandi, see *Gaguinus*, Robertus.

Auctoritates. Auctoritates Aristotelis [&c.] cum commento [see *former index*], 2006, 2013, 2025.

Augustinus, S., de Cantuaria.

'1127 1 miraculum sancti augustini. 1d.

This seems less likely to refer to St. Augustine of Hippo than to St. Augustine of Canterbury, one of whose miracles in raising a dead body at Long Compton forms the subject of a poem which was very popular in the XVth century. An edition of it printed at Canterbury stands first in the list of books printed there, as given by Herbert.' (Bradsh. 2.)

Augustinus, S. Aurelius. Miraculum, see *Augustinus*, S., de Cantuaria.

Balbis, Johannes Januensis de, see *Johannes* Januensis de Balbis.

Barbarus, Hermolaüs, see *Plinius*, Caius, Secundus.

Barclay, Alexander.

'1254 7 quaterni of barkely. 3d.

Surely the 7 here, as elsewhere in this Day-book, means seven copies of what was sold. The price shows that it must have been something very small, ½d each and one thrown in when half-a-dozen were taken.' (Bradsh. 3.)

Bassolis, Johannes de, see *Johannes* de Bassolis.

Baufeti, Gulielmus, see *Gulielmus* Parisiensis.

Bellum grammaticale, see *Guarna*, Andreas.

Bene fundatum, see *Moscrof*, Thomas.

Bernardus, S., Clarae-Vallensis.

Opera Bernardi, 2055.

Modus vivendi, see *Gerson*, Johannes.

Bevis of Hampton. (B)euis of Hampton, 2033.

Several early undated London editions are known.

Biblia.

Figurae bibliae, 2012, 2043.

See *former index*. Gerardus Odonis wrote a work with this title, but it seems not to have been printed.

Vetus Testamentum. *Psalmi*, see *Jacobus* de Voragine.

Sapientia Salomonis, see *Holcot*, Robert.

Biel, Gabriel. Expositio Gabri. Canone missarum [i. e. Lectura super Canone Missarum], 2032.

Bigls, see *Prognostica*.

Blandus Flavus. Blandi Flavi [*quaere*], 2076.
Bloxy, Nicolaus de, see *Miscellaneous titles* at end of this Index.
Breviarium, see also *Cyclus*; *Portiforium*; *Primarium*.
'764 1 breuiarium romanum pro fratribus augustinianis li'. 3ˢ. 4ᵈ.
This *pro fratribus* can hardly mean that this book was sold to them, but that it was printed for them. The Augustinian Friars or Hermits adopted the Roman use, so they naturally used the Roman Breviary. But further than this, we have an edition of the Roman Breviary (1508, 8°), with the Kalendar modified and an Appendix added to the book (printed with it) containing special offices for the use of the Austin Friars. A purchaser is mentioned differently: 730 to gybs; see also 174, 1790, and 830, 1179.' (Bradsh. 5.)
BreviariumCisterciense ve(net), (1494), 1978.
Bricot, Thomas.
Bricot super philosophiam, 2039.
Textus philosophiae Bricot [super philosophiam Aristotelis] 2029.
Brito, Herveus Natalis, see *Papa*.
Burley, Walter.
Burleus super logicam. 1985.
Vita omnium philosophorum, 1970.
Vita philosophorum, 2007.
Butrio, Antonius de, see *Speculum*.

Caietanus, see *Gaietanus* de Thienis.
Cambrai (Cameracum), see *Portiforium*.
Canonicus, Johannes, see *Johannes*, Canonicus.
Capella, Martianus. Martialis [*sic*] Capelli, 2075.
Carmelitae, see *Horae*.
Carmen juvenile.
'166ᵃ 1 stans puer ad mensam. 1ᵈ. [&c.]
The original Latin is by Joh. Sulpitius Verulanus, and in W. de Worde's edition of 1518 is entitled "Stans puer ad mensam. Iuuenile carmen de moribus puerorum in mensa seruandis." In CA. 1623-1625 are three Deventer editions printed between 1490 and 1500. In these the title is "Ioannis Sulpicii Verulani de moribus puerorum Carmen Iuuenile"; and here as in the London editions the work consists of a single quire, whether of 4 or 6 leaves. No. 575 may be a foreign edition, and the rest printed in London. From No. 929 we see that it consisted of a single quire. No. 1484 is Lidgate's version of the poem in 7-line stanzas, which was printed by Caxton (1477–78, 4 leaves, 4°) and again by W. de Worde, with the Book of Courtesy or Little John subjoined to it. We have copies of both editions here.' (Bradsh. 6.)
Carpenter, Alexander, see *Destructorium*.
Carthusianus, Dionysius, see *Speculum*.
Casus conscientiae, see *Summa angelica*.
Catholicon, see *Johannes* Januensis de Balbis.
Cato. Cato cum commento, 1997.
Cerasinus, St.
'1110 1 the lyf of sant erasmus. 1ᵈ.
1625 1 the lyf of san kerasinus. 1ᵈ.
I think these two entries must refer to the same book. Dorne is frequently at fault when he has to deal with English books. The addition of this life is what distinguishes the second from the first issue of Caxton's large folio edition of the Golden Legend (1st issue about 1484, 2nd issue about 1490). This fact, which was unknown to Mr. Blades when he wrote his book, may serve to date the rise of the cultus of St Erasmus, which had certainly become widely spread by 1520. His name is written in an extraordinary variety of ways, as may be seen from the extracts from the parish accounts of Trinity Church, Cambridge, which I printed a short time ago in the Communications of the Cambridge Antiquarian Society. The actual book sold by Dorne is not unlikely to have been a copy of the separate Life of St Erasmus printed by Julian Notary (London, 1520, 4 leaves, 4°) noticed by Herbert. It is in the British Museum (296. h. 7).' (Bradsh. 7.)
Champerius, Symphorianus. Practica nova in medicina n. pl. or d.) is by Champerius (Je. 90).
Chronica Angliae.
'993 1 cronica anglie 2 qua[*ternis*]. 1ᵈ. [&c.]
The two quires are two single quarto sheets (each of four leaves and printed separately), the first containing the Kings' names in order from the fabulous Kings of Britain downwards, and the second starting from William the Conqueror and bringing the list down to Henry VIII, whose accession it mentions (1509), but adds no details of his reign, having all the appearance of having been compiled shortly after the accession

of Henry VIII. We have copies of both, printed by W. de Worde, the second part bearing the date 1530. (This copy is mentioned by Herbert, p. 181.) It is natural to assume that earlier editions were printed between 1509 and 1520, which may have been for sale in Dorne's shop.' (Bradsh. 8.)

Churchyard, Balthasar, see p. 456 of this volume.

Cicero, Marcus Tullius.

Tulilius (*or* Tullius) de Officiis, **2044**, **2045**.

Tulius de natura Deorum, **2084**.

Tusculane (questiones cum Finibus), **2087**.

Cistercians, see *Breviarium*.

Clavasio, Angelus a, see *Summa angelica*.

Clichtoveus, Jodocus, see *Nobilitas, Sacerdotes*.

Colonna, Aegidius de, see *Aegidius* de Colonna, Romanus.

Complot . . .

'1932 Complot . . .

1933 Complot . . .

You must have overlooked the fact that these books were not sold by Dorne in 1520, but were offered for sale by Hunt in 1483, and therefore cannot "conceivably" have reference to the Complutensian Polyglot Bible.' (Bradsh. 9.)

Conscientia. Summa de Casibus conscientiae, see *Summa angelica*.

Consiliator in medicinis. Consiliator in medins (medicinis?) [*quaere*], **2107**.

Cookery. The bocke of kokery, **1987**.

'219 1 cokery (with another). 4^{d}. [&c.]

The edition printed by Pynson in 1500 consists of 62 leaves in 4°, so that the price is not unsuitable. It may interest some of your readers to learn that this "notable book of feasts" shown to Herbert by the Duchess of Portland (who, it may be remembered, was the only child and heir of Edward Harley, 2nd Earl of Oxford, the collector of the "Harleian Library") passed to her *eldest* daughter, who was the wife of the 1st Marquis of Bath; and the book is consequently, by natural descent, now to be found in the library of her great grandson, the present and 4th Marquis of Bath, at Longleat.' (Bradsh. 10.)

Courtesy, book of, see *Carmen*.

Crab, Gilbert.

There is an edition of the Nicomachean Ethics of Aristotle in the Latin version of Johannes Argyropylus with the Commentary of Gilbert Crab, printed by Stephens at Paris in 1514, which may be referred to in **1402**, and certainly is in **1383**. It shows that *arge* (see under *Aristotle—Ethica* (p. 148 of Collectanea I) is certainly *Arge[ropyli.]* (Ch. 87.)

Cuba, Johannes. Ortus [Hortus] sanitatis, **2114**.

Curatores, see *Guido* de Monte Rocherio.

Curtius, Quintus, see *Alexander* the Great.

Crotus, Rubianus, see *Epistolae*.

Cyclus.

'235 1 ciclus. 1^{d}.

290 1 ciclus vel almanack. 1^{d}.

All the 27 entries, which are not worth writing out, are with one exception (359 1 Ciclus prognosticon 1^{d}), either *Ciclus vel almanack* or simply *Ciclus*, and always cost 1^{d} when sold separately. I cannot think that the word Ciclus has any reference to the circular form in which the months and festivals were disposed on the sheet, but rather that it was a sheet containing the current 19-year or 28-year cycle, or some other definite number of years, with the days of Easter and other moveable feasts added in successive columns. Such a cycle, sometimes called a *Tabula*, sometimes an *Almanack*, for so many years, is frequently found in Breviaries, occupying a page immediately following the Kalendar.' (Bradsh. 11.)

Decretales, see *Godfredus*.

Decretales [Gregorii IX] Rowan [*quaere*], **1972**.

Decretum. Decretum [Gratiani] magnum Lion, **1999**.

Dedicus, Johannes. Jesus College, Oxford, possesses *two* copies of the *Quaestiones Dedici super Ethicam* (Aristotelis), (Oxford, 1518).

Dels, see *Miscellaneous titles* at end of this Index.

Destructorium. Destructorium vitiorum (**325**) is by Alexander Carpenter. (R. L. Poole, 89.)

Digestum vetus, see *Ff*.

Diogenes Laertius. Diogenis Laertii, **2083**.

Dionysius de Leeuwis *alias* Rykel, Carthusianus, see *Speculum*.

Diurnale. Diurnale Rowan [*quaere*], **2088**.

Diurnale Sarum.
'398 1 diurnale sarum. 1° 4ᵈ.
The price is that of a single volume of the small Rouen edition of the Portos (Portiforium), as may be seen in nᵒˢ 1131 and 1620; and the *Diurnale*, as containing all the day-hours, that is all the Hours with the omission of Mattins, would naturally run to about that size. A copy of the edition printed in Paris for sale in London (1512, 16°) is in the Lambeth Library, and mention is made, in the preface to this edition, of two earlier and less correctly printed editions. It is described in Dʳ. Maitland's *List*, and it is also in Mʳ. F. H. Dickinson's List of service-books.' (Bradsh. 12.)
Dominus que pars, see *Remigius.*
Donatus. Questiones super Donatum parue, 2008.
Dorbellus, see *Nicolaüs* de Orbellis.
Dorne (or Thorn), John, bookseller at Oxford, 1520, see pp. 453 sqq. of this volume.
— John, printer at Brunswick, see p. 455 of this volume.
Douns. Dubious in 2050; see *Parsing.*
Dubia, see *Missa.*
Duns Scotus, Johannes, see *Parsing.*
Questiones Scoti super Logicam [= Universalia Scoti] antique Venet, 1968.
Questiones Scoti super Logicam Venet, 2004.
Questiones Scoti super Universalia [Porphyrii et Aristotelem], 2066. See *former Index.*
Formalitates Trombeti (i.e. Formalitates Scoti ed. per Ant. Trombetam, Venice, 1514, fol.), 1983.

Egidius, see *Aegidius.*
Epistolae obscurorum virorum. For *Rubianus Crotus* (in *former index*), read *Crotus Rubianus.*
Erasmus, Desiderius.
Adagia Erasmi, 1979.
'1387 1 colloquia erasmi de qᵒᵉ[?] } .8ᵈ.
1388 1 erasmus de *con*structione }
Is it possible that "de qᵒᵉ" may have been Dorne's first entry of the *De constructione*, which, seeing that it was actually a separate book from the *colloquia*, he at once re-wrote on the next line, without erasing the first incorrect entry? Is the final letter of "qᵒᵉ" quite clear, and is it the letter q or 9 = con?' (Bradsh. 14.)
De constructione, see preceding entry.
Lyf of Saint Erasmus, see *Cerasinus*, St.
Exornatorium curatorum. There is an undated edition printed by Pepwell, which might be before 1520 (Duff, 89).
Expositio Hymnorum, see *Hymni.*
Esra, Abraham ibn, see *Abraham* ibn Ezra.

Faber, Jacobus Stapulensis. Textus philosophie Fabri, 1954, 2028, 2042.
This general phrase might apply best to the Compendium philosophiae moralis (Vienna, 1513, 4°), but would suit several other works by Faber.
Facetiae morales, see *Aesopus.*
Festival, see *Mircus*, Johannes.
Ff. '1359 1 ff vetus textus paruum ligatum. 2ˢ.
You have placed the similar entry (629 1 codex paruum ligatum 6ˢ. under Justinianus in your index; so this ought to have been placed there also, being a copy of the *Digestum Vetus* commonly written *Ff. vetus*), the text only, without gloss, in small size.' (Bradsh. 15.)
Figuras Bibliae, see *Biblia.*
Flavus, Blandus, see *Blandus Flavus.*
Four Sons of Aymon. A fragment of the W. de Worde edition is in the British Museum. (Duff, 89.)
Franciscus de Platea, see *Restitutiones.*
French and English.
'117 1 frans and englis (with 3 others). 1° 2ᵈ.
942 1 frans end englisch (with another). 2ᵈ.
Besides Caxton's edition, which you mention, there is one printed at Westminster by W. de Worde (ab. 1498), 4°, in the Grenville collection. In the Douce volume containing "Early Typographical Fragments" nº 6 is a fragment of Caxton's edition (ab. 1480), Fº. and nº 18 is a fragment of W. de Worde's 4°. There is also a third, printed by Pynson, in the British Museum, and Dorne's books may belong to any of these editions.' (Bradsh. 16.)
Friar and boy. The fryre end boy, 2034.
There are at least two undated London quarto editions of this little work, which might be referred to.

Gabri, see *Biel*, Gabriel.

Gaguinus, Robertus. Ars versificandi Roberti Gaguini, **1974**.

Gaietanus de Thienis. (Gai)etanus super libros Metheororum [Aristotelis] [Ven. 1491, fol.], **2009**.

Gandavo, Johannes de, see *Johannes* de Janduno.

Gemma praedicantium. Gemma predicantium, [*quaere*] **2041**.

Possibly the 'Summa predicantium' of the former index should be read 'Gemma predicantium.'

Georgius Purbachius, see *Theorica*.

Gerardus Cremonensis, see *Theorica*.

Gerardus Odonis.

Figurae Bibliae, see *Biblia*.

Gerrardus super Ethicam [Aristotelis], **2068**.

Gerson, Johannes. Modus vivendi omnium, **133**.

'133 1 modus viuendi ouum (=one!) fo[lio]. $3\frac{1}{4}^{d}$.

I think ouum must be written not oūn but oīm = omnium, and if *fo* can be read *fi*, the book is probably Gerson's *De modo vivendi omnium fidelium*, of which you will find a separate edition in CA. 815 (Louvain, Jo. de Westfalia, about 1484), and a combined but separable edition in CA. 821 + 818 + 818 note (Antwerp, Math. Goes, ab. 1487). See also Hain *7671 (with two other treatises by Gerson), 30 leaves 4°.' (Bradsh. 4.)

Gillermus Accursii, see *Guillermus*.

Godfredus de Trano. Summe Godfredi (in *former index*).

This is the *Summa super titulos Decretalium* of Godfredus de Trano. (Duff, 86.)

Gotteschalcus (Hollen), Johannes.

'1905 Preceptorium godscalcj 1 $7^{s}4^{d}$.

Surely this is the *Praeceptorium divinae legis* of Gottschalcus Hollen, the Augustinian Hermit, of which Hain gives several editions (8765–8770), one of them at least early enough to find a place in Hunt's list.' (Bradsh. 17.)

Gouda, Gulielmus de, see *Gulielmus* de Gouda.

Grammatica, see *Medulla grammaticae*; *Parsing*; *Sulpitius*, Johannes, Verulanus.

Gratianus, see *Decretum*.

Gregorius IX, papa, see *Decretales*.

Gregorius, S., Magnus. (Op)uscula Sancti Gregorii, **2017**.

Probably not a title but a description.

Grosseteste, bishop Robert, see *Husbandry*.

Guarna, Andreas. Bellum grammaticale, **2014**.

See *former index*.

Guido de Monte Rocherio. Manipulus Curatorum, **2105**.

Guilielmus Parisiensis, see *Rhetorica*.

Guilielmus Parisiensis, alias Bauseti. Guillermus Parisiensis de 7 sacramentis, **1996**.

Guillermus, see also *Guilielmus*.

Guillermus (or Gillermus) Accursii super Instituta [*quaere*], **1986**, **2090**, **2111**.

Gulielmus de Gouda, see *Missa*.

Hackum and Hontigle.

'1018 1 hack*um* end hontigle. 4^{d}.

You will think me very bold or rather presumptuous), but Dorne shows himself so hopeless where he has to deal with English books, that I am quite prepared to see, through the mist of this entry, the little quarto pamphlet issues of "Hawking" and "Hunting" issued by W. de Worde about this time. We have the "Hunting" in our library, and the "Fishing" is well known. The price would suit perfectly for such a book.' (Bradsh. 18.)

Hawking, see *Hackum*.

Heginy, see *Sphaera*.

Herveus Natalis Brito, see *Papa*.

Hocot, see *Holcot*, Robert.

Holcot, Robert.

Sermones Hocot parve [*quaere*], **1966**.

Holcot super Sapientiam (Salomonis) parvus, **1964**.

Hollen, Gotteschalcus, see *Gotteschalcus*, Johannes.

Hontigle, see *Hackum*.

Horae. See also *Primarium*.

Hore Rowan, **2106**.

Hore parve Rowan, **2109**.

Hore Carmelitarum [*quaere*], **2078**.

Horatius Flaccus, Quintus. Horatius cum commento, **2103**.

Hortus sanitatis, see *Cuba*, Johannes.

Howberghe, William, see p. 456, in this volume.

Hugo de Sancto Caro, see *Speculum*.

Hungaria, Michael de, see *Sermones*.

Hunt, Thomas, stationer at Oxford. See p. 456 in this volume.

Hunting, see *Hackum*.

Husbandry.

'1323 1 husbandry. 1^{d}.

Our copy of the edition you mention, which is certainly from W. de Worde's press, cannot well be later than 1510 (12 leaves, 4°). It is attributed to Bp. Grosseteste (Grosshead) as translator.' (Bradsh. 19.

Hyginus, see *Sphaera.*
Hymni.
'1346[b] (not 1345) 1 hymni cum nottis lig' (with two others'. 3[s] 8[d].
1802 1 liber hymnorum cum nottis li'. 1[s] 4[d].
The *Hymni cum notis* seem to have been first published in 1518, after which date several editions are found. The book thus exactly takes the place of the school-book *Expositio hymnorum*, which was published almost every year (sometimes twice in one year' from 1496 to 1518, when the latest known edition appeared.' (Bradsh. 20.)

Institor, Henricus. Malleus malleficarum, 2019.
Instituta, *Institutiones*, see *Justinianus.*
Interlude, see *Johannes*, S., Evangelista; *Mundus.*
Ipswich, see *Maria*, S., virgo Deipara.

Jacobus de Valencia, see *Peres*, Jacobus, de Valentia.
Jandan, *Jandon*, *Janduuus*, see *Johannes* de Janduno.
Januensis, Johannes, see *Johannes* Januensis de Balbis.
Jartuar. Jartuar [*quaere*], 2048.
Jesus Christ.
Vita Ihesu, 2002 [see *former index*].
Of the wondes of Jesus) [*quaere*], 1975.
'Festum de nomine Ihesu.
968 1 *pri*marium premonstra[*ten*]sium in 2[bus] ant[*iquum*] [no price].
969 1 festum de nomine Jhesu parvum 4[s] 6[d]. [&c.]
This seems to be a separate copy of the office for the Name of Jesus, which is kept on the 7th of August. Being quite a recent festival, it is not to be found in any of the old editions of the Breviary or Missal. It is worth notice that these copies are all entered by Dorne under August 5. [When I wrote this, I did not understand Dorne's mode of entry. I now see that two copies (969. 979) were sold on the actual festival of the Name of Jesus (August 7), and the third (1013) two days later, while the services of the octave were still going on.] The British Museum has a copy printed by Pynson about 1493, in 4°, and Mr. Horner, of Mells, has one printed by Pynson about 1497, also in 4°. In your first entry I cannot help thinking that the two books (968, 969) should have been bracketed together, with 4[s] 6[d] as the price for the two. I should then prefer to read *breui*arium rather than *pri*marium, and it might then (being *antiquum*) refer to the Præmonstratensian Breviary printed by Thierry Martens at Alost in 1488. It is difficult also to see how a Primer could either form two volumes or reach such a price. Besides all which it must be remembered that *Primarium* was a peculiarly Anglican name, and of the only other two similar entries you give (183 Cisterciense and 293 Car[thusianum?]), the second is at least very doubtful. In 979 I should prefer, if possible, that *par* should stand for par[*uum*] (see 969) rather than for par[is], as I believe you do sometimes expand it. All the recently Paris-printed breviaries contained the office in its place under August 7, and the only separate editions traceable are those printed in the interval between the introduction of the new festival and the incorporation of the office into the books, that is, between 1420 and 1500. I have never seen or heard of any foreign-printed edition of any of the English *Nova Festa*. We know, besides the two by Pynson of the Name of Jesus, one by Caxton, and one by W. de Machlinia of the Visitation of the BVM, and one by Caxton and one by W. de Machlinia of the Transfiguration, and one by Caxton of the Compassion of the BVM.' (Bradsh. 21.)
Johannes de Bassolis, see *Johannes* de Vassolis.
Johannes Januensis de Balbis. Catholicon Rowan [Rouen, 1499, fol.], 1973, 2022.
Johannes, Canonicus. Questiones Jo. Cano. super 8 libros Physicorum [Aristotelis], 2065.
Johannes, S., Evangelista.
'1917 Glosa super apocalipsim 4 quilibet. 8[d].
This must be the work of Joannes Viterbiensis entitled "Glosa super Apocalypsim de statu ecclesie ab anno salutis presenti sc. M.cccc.lxxxj. vsque ad finem mundi et de preclaro et gloriosissimo triumpho Christianorum in Turcos & Maumetos quorum secta et imperium breuiter incipiet deficere ex fundamentis Joannis in Apocalipsi et ex sensu litterali eiusdem apertissimo cum consonantia et indiciis astrorum." Editions printed at Louvain by Jo. de Westfalia and at Gouda by Ger. Leeu are given in CA. 1276 and

1277; and either would answer to the entry in Hunt's list of 1483. The Gouda edition is in your Auctarium, Q. inf. 1. 8.' (Bradsh. 22.)

'1553 1 saint jon euuangeliste *en trelute* [?]. 1d.

You will say I am too severe upon Dorne's English, but it seems quite within the range of possibility that this may be a short *interlude*, of which St John formed the subject, resembling the similar productions which Bale mentions among his own writings as "in idiomate materno comoedias sub diuerso metrorum genere." Compare the price of "Mundus a play" under N° 1530.' (Bradsh. 23.)

Johannes de Janduno (Gandavo).

Jandon [Quaestiones Johannis de Janduno super tres libros] de Anima [Aristotelis], 2080.

(Johanne)s Jandunus super libros [Aristoteles] de anima, 2011.

Jandan super Physica [Aristotelis], 2081.

Jandon super phigicum [? Physicam Aristotelis], 2092.

Johannes de Sancto Laurentio, see *Laurentius*, S.

Johannes de Turrecremata, see *Papa*.

Johannes de Vassolis.

'1895 Johanes de vassolis in 4to sententiarum 1. 4s 8d.

The letters *v* and *b* are often confounded in writing, reading, and speaking. Johannes de Bassoliis (or Bassolis) was a favourite disciple of Scotus himself, and Wadding, in his Scriptores Ord. Min., mentions a revised edition of this author's work on the four books of the sentences as having been printed at Paris (apud Nic. de Pratis) in 1517. It is not improbable than an earlier edition, now lost, may have found a place in Hunt's list of 1483. The schoolname for this author as quoted by Wadding is *Doctor ornatissimus*, while in Mansi's Fabricius it is given as *Doctor ordinatissimus*. While speaking of Hunt's list may I ask whether it consists of two separate leaves, or of two leaves still forming a sheet? Unless they are necessarily joined together, would it not be more natural to look upon Hunt's heading as standing at the beginning of the whole list, so that what you have printed as Nos 1889 to 1917 should take precedence of Nos 1852–1888?' (Bradsh. 24.) See p. 456 of this volume.

Johannes (Annius or Nannis) Viterbiensis, see *Johannes*, S., Evangelista.

Jordanus de Quedlinburg. Meditationes Jordani, 2024.

Jus, see also *Vocabularius*.

Justinianus, see *Ff*; *Guillermus*.

Textus institutionum, 1956.

Kokery, see *Cookery*.

Lactantius. Lactantius Firm[i]ani [*sic*], 2072.

Laertius, Diogenes, see *Diogenes* Laertius.

Laet, Jasper. A Prognostication for 1500 is in the Lambeth Library (Duff, 89), and one for 1477 is mentioned by Panzer. Or the reference may be to the Oxford *Prenostica* (1518).

Laurentius, S., Postille de S. Laurentio.

'1911 Postille de sco laurentio 1. 3s 4d.

The book here mentioned in Hunt's list must be the "Postille euangeliorum dominicalium totius anni et aliquorum festorum" of Johannes de sancto Laurentio printed at Brussels in 1480, a small folio of 198 leaves (CA. 1041). You have a copy in your Auctarium, marked 6 Q. 2. 7.' (Bradsh. 25)

Leeuwis, Dionysius de, see *Speculum*.

Little John, see *Carmen juvenile*.

Livius, Titus, Patavinus. Decades totas Livi cum figuris, 2110.

Logica, see *Burley*, Walter; *Duns Scotus*, Johannes.

'482 1 Insolubilium oxonie. 1d. [&c.]

As the price never exceeds a penny, it is inconceivable that these entries can refer to Swyneshed's *Insolubilia*, which is a fairly thick quarto volume, as printed at Oxford about 1483–85. It seems rather to be a single sheet of the same kind as the "Bene fundatum oxonie" which was sold with n° 1813.' (Bradsh. 26.)

Lombardus, Petrus, see *Nicolaus* de Orbellis; *Vorilongus*, Gulielmus.

-tius super quarto (libro Sententiarum?), *quaere*], 2018.

Long Compton, see *Augustinus*, S., de Cantuaria.

Longleat Library, see *Cookery*.

Lydgate, John, see *Carmen juvenile*.

Lyndewode, Gulielmus.

'872 1 lynwodde ligatus. 6s 8d. [&c.]

The first two entries may well refer to the *Provinciale* with Lyndewode's large commentary, as it exists in the great folio edition printed at

Oxford about 1483–85, though the price would seem rather to point to one of the less bulky Paris reprints of 1505. The last two entries are probably the bare text of the Constitutions as printed by W. de Worde in 1496 and 1499 in small 8°. You have copies of both among Mr. Douce's xv^th^ cent. books, 12 (1496) and 2 (1499).' (Bradsh. 27.) The order of the entries referred to above is 872, 1356, 577, 1600 in Dorne's List.

On p. 164 in former Index, 4th line of entry, for *Lynwoode* read *Lynwodde*, and dele the latter where it occurs in the same line.

Macrobius. Macrobius de Somnio [S]cipionis, **2100.**

Malleus maleficarum, see *Institor*, Henricus.

Maneken, Carolus.

'381 1 epistole karoli. 5^d^.

Campbell mentions eleven editions of this book printed in the Low Countries alone in the fifteenth century (CA. 1201–1211), but in that printed at Deventer by Jac. de Breda June 16, 1496 (74 leaves 4°), the title consists of the very words entered by Dorne, corresponding letter for letter.' (Bradsh. 28.)

Manipulus Curatorum, see *Guido* de Monte Rocherio.

Manuale. Manuale Sarum, **1981.**

Margaret, St.

'387 1 sant Margerit lyf. 3½^d^. [&c.]

Besides the edition by Mychell and an earlier one by Redman (12 leaves in 4°) Hazlitt mentions a fragment of 2 leaves as existing among the Douce fragments, which H. says was attributed by Mr Douce to Pynson. I saw a volume in your library in 1886, lettered "Early Printed Fragments," which I was told had belonged apparently to Hearne. The fragm^ts^ were at that time not numbered, but you will know the volume by its containing fragments of Caxton's Troybook and St Wenefryde and a leaf of Rastell's edition of Chaucer's Assembly of Fowls. It also contained a fragment of the Life of St Margaret, certainly printed by Pynson in the type which he used before the close of the xv^th^ century.' (Bradsh. 29.)

Maria, S., virgo Deipara.

'492 1 lamentation of oure lady. 1^d^.

Our copy of W. de Worde's edition has the appearance of having been printed between 1502 and 1510, nearer 1502 than 1510. It consists of 6 leaves in 4°.' (Bradsh. 30.)

'257 1 the myracke of our lady ypsiiwise[?]. 2^d^. [No. 1193.]

The second book in this latter entry, as also in the entry of St Margaret (675), is the life of St Katherine, which must therefore have cost 2^d^, leaving 2^d^ as the price of the *Miracles of our Lady* in both the entries 257 and 1193. Hazlitt mentions two editions printed by W. de Worde, one at Westminster about 1498 in 4° and another in Fleet Street in 1514, 24 leaves in 4°. Of the latter a copy is in the British Museum (Case 21. c.), from which it could easily be seen whether your conjecture is confirmed, by finding in a prominent position some narrative of miracles connected with our Lady of Ipswich.' (Bradsh. 31.) No trace of it.

'1793 1 rosarium beate marie in latino. 3½^d^. [&c.]

There is a Rosary bound up with a Sarum Horae printed by Pynson in small narrow 12° in 1514, in Clare College library.' (Bradsh. 32.)

Maria, S., Magdalena.

'1176 1 the complant of sant magda[lene]. 1^d^.

Hazlitt gives an edition printed by W. de Worde in 4° without date, from Caldecott's sale in 1883.' (Bradsh. 33.)

Martialis, Marcus Valerius. Martialis cum commento, **2074.**

Maximus, Valerius. Valerio Maximo, **2104.**

Medicina, see *Champerius*, Symphorianus; *Salernum*; *Serapion.*

Medicines for horses. The edition in Trinity College Library at Cambridge is later than Winkin de Worde's printing (Je. 89).

Medulla-grammaticae.

Medulla grammatice, **1990, 2049.**

'1132 1 medulla grammatice in quaternis. 5^d^.

The book known by this name is the English-Latin Dictionary more commonly called the Promptorium Parvulorum, printed by Pynson in 1499 in small folio. You have a copy in your Auctarium, QQ sup. 2. 10 (the last number is probably not correct now). It is called the Promptorium Parvulorum in the author's preface and Medulla Grammatice in the imprint; but the price here men-

tioned (5d) seems to preclude the possibility of Dorne's book being the same as Pynson's.' (Bradsh. 34.)

Perhaps Julian Notary's edition of 1514 may be referred to. (Je. 89.)

Metaphysica, see *Aristotle*.

Michael de Hungaria, see *Sermones*.

Mirandula, Johannes Picus, see *Picus Mirandula*, Johannes.

Mircus, Johannes. Festival [by Johannes Mircus?], **1984**.

This *may* refer to the Oxford edition of 1486, but need not: see *former index*.

Missa.

De valore missarum.

This is perhaps *De sacramento et valore missarum* (Hain 11244-46). (Duff, 86.)

Dubia circa missam [*quaere*], **2054**.

Opusculum de mysterio misse.

This may be Albertus Magnus's Opus de mysterio misse (Ulm, 1473, fol.), or possibly Gulielmus de Gouda's Expositio mysteriorum missae. (Je. 90.)

Missale.

Missale Sarum antiquum, **1988**.

Missale Sarum Frans, **2058**. French printing.

Modus significandi, see *Albertus* (Sigandus?).

Modus vivendi, see *Gerson*, Johannes, instead of *Bernardus*, S.

Monte Rocherio, Guido de, see *Guido* de Monte Rocherio.

Moscrof, Thomas, of C. C. C., Oxford. Perhaps referred to as *Uosgraf* or *Nosgraf*, author of *Bene fundatum*. See p. 456 of this volume.

Mundus, see also *Johannes*, S., Evangelista.

'1530 1 mundus a play. 2d.

Surely this must be the "Proper new interlude of the World and the Child (Mundus et Infans)," of which a reprint, taken from W. de Worde's edition dated July 17, 1522 (18 leaves in 4°), was presented to the Roxburghe Club by Lord Althorp in 1817. There is nothing to show that there may not have been earlier editions, and the price is not against this identification. With a good deal of careful comparison it would not be difficult after a time to infer from Dorne's prices the actual size of a book.' (Bradsh. 35.)

Musica. Opus aureum musicae.

This is the *Opus aureum musice castigatissimum*, by Nicolaüs Wollick, printed first in 1501. (Squ. 87.)

Nannis, Johannes, see *Johannes* (Annius or Nannis), Viterbiensis.

Nativitates, see *Abraham* ibn Ezra.

Nicolaüs de Orbellis. Dorbellus super Sententias parvus, **2005**.

Nobilitas.

'1649 1 opusculum de vera nobi[*litate*]. 5d.

I was at first tempted to think that this might be Poggio's *Liber de nobilitate*, which was printed at Antwerp by Gerard Leeu in 1489, 14 leaves in 4°. (CA. 1427). But the price is too high for such a small book, and I think the word *vera* must have been in the title of Dorne's book.' (Bradsh. 36.)

This is by Jodocus Clichtoveus. (Je. 89.)

Nosgraf, see *Moscrof*, Thomas.

Odonis, Gerardus, see *Gerardus* Odonis.

Olfacies mentum. Olfacies mentum [*quaere*], **1993**.

Presumably some unsavoury leaflet.

Orbellis, Nicolaüs de, see *Nicolaüs* de Orbellis.

Ortus sanitatis, see *Cuba*, Johannes.

Ovidius Naso, Publius.

Ovidius de Fastis, **2086**.

Ovidius de Remedio Amoris, **2096**.

Pamphilus, Saxus.

De Amore.

'624 1 pamphulus de amore. 3d. [&c.]

There are several editions with this title. We have one printed by Ger. Leempt at Utrecht about 1476 in folio (CA. 1352) bound in the same volume with an Ovid *De arte amandi* and *De remedio amoris* from the same press. There is also an edition of Pamphilus from the same press in 4°, of which copies are at Dresden and Wolfenbüttel (CA. 1351). And there is still another edition printed at Cologne in the type of the Augustinus de Fide of 1473, containing 16 leaves in 4° which I saw in 1875 in the University library at Freiburg in Breisgau. Though headed "Querimonia pamphili," at the end is "Explicit panphilus de amore."' (Bradsh. 37.)

Papa. De potestate pape.

This is probably the 1506 Paris edition of Herveus Natalis Brito's treatise with this title. Or else Johannes de Turrecremata's Tractatus

de potestate pape et concilii generalis (Cologne, 1480, fol.: Hain, 15729). (Je. 89–90.)

Parisiensis, Guillermus, see *Rhetorica*.

Parsing. 1 Douns quaterni pars(ing??), **2050**.

Possibly one dozen sheets of a parsing book, or from Paris (?), or Duns Scotus (?).

Parvulia, see *Stanbridge*, John.

Pennaforti, Raimundus de, see *Raimundus* de Pennaforti.

Peres, Jacobus, de Valentia, see *Thomas* Wallensis.

Peres, Jacobus de Valentia. Jacobus de Valencia super Psalmos, **2003**.

Petrus Blesensis.

'1897 Epistole petri blesensis. 1. 3[s].

The edition printed at Brussels about 1480–81 (CA. 1403) consists of 208 leaves in small folio, and can hardly fail to be the one offered for sale by Hunt in 1483.' (Bradsh. 38.)

Phalaris. Epistole Phalaridis, **2070**.

Philosophi, see *Burley*, Walter (Vita omnium philosophorum).

Philosophia, see *Faber*, Jacobus, Stapulensis.

Picus Mirandula, Johannes. Opera Pici Mirandulae, **2083**.

Platea, Franciscus de, see *Restitutiones*.

Plinius, Caius, Secundus. Castigationes Plinii, **2073**.

Probably the work so entitled by Hermolaüs Barbarus.

Poggius, Franciscus, see *Nobilitas*.

Porphyrius, see *Duns Scotus*, Johannes.

Portiforium.

Portiforium de camera, **1991**.

Possibly the *Breviarium ad usum ecclesiae Cameracensis* (Par., 1497). See *former index*.

Portiforium in uno Kerver, **1960**, **2027**.

Practica, see *Champerius*, Symphorianus.

Praedicamenta, *Predicamenta*, see *Aristotle*—Categoriae.

Praedicantes, see *Gemma praedicantium*.

Pracnostica, see *Laet*. Jasper.

Primarium, see also *Horae*; *Jesus Christ*.

Primarium longum, **2051**, **2056**.

Primarium magnum, **1965**.

Primarium parvum, **1955**.

Processionale. Processionale Sarum (Par. 1519), **1963**.

Prognostica, see *Laet*. Jasper.

Pronostication, **1982**. See *former index*.

Pronosticon, **1953**, **1959**, **1971**, **1989**. See *former index*.

'175 1 pronosticon in en[*glis*?] bigls [?]. 2[d].

Can this pronosticon I en bigls be merely = pronosticon in englis? I am inclined to think it is not impossible. The price is that of the ordinary pronostica in englis (8, 79, 125, 130, 134, 144, 171, 237, 245, 284, 324), though many are sold for a penny, others for 1½[d] (called pronosticata in englis, see 24, 45, 234), others again as high as 3½[d] (65, 241, 292, 304, 329, 371). The whole class has no doubt perished, as literature; but many of them are yet to be recovered, with care and patience, from contemporary bindings.' (Bradsh. 39)

Winkin de Worde (1508 in English) and Pynson are known to have printed *Prognostica*. (Duff, 89.)

Promptorium Parvulorum, see *Medulla grammaticae*.

Purbachius, Georgius, see *Theorica*.

Pylegreme, Gerard, see p. 456, in this volume.

Quartus liber, see *Lombardus*, Petrus.

Quedlinburg, Jordanus de, see *Jordanus* de Quedlinburg.

Raimundus de Pennaforti.

Summa Raymundi (de poenitentia et matrimonio), **1967**.

Raimundus de Sabunde, see *Theologia*.

Razis, see *Rhazis*.

Regimen sanitatis, see *Salernum*.

Remigius. Remigius sive Dominus que pars (Brunswick, John Dorne, 1507), see p. 455 of this volume.

Renkens, Harry, see p. 456, in this volume.

Resolutio Theologorum. Resolutio theologorum [*quaere*], **2038**.

Restitutiones.

'1921 De Restitutionibus [*quaere*].

This is probably the "Opus restitutionum usurarum et excommunicationum" of Franciscus de Platea, of which Hain gives (13034–13040) seven editions, any one of which might have been offered for sale at Oxford in 1483.' (Bradsh. 40.)

Rhazis. Practica Razis, **2071**. See *former index*.

Rhetorica. Rhetorica divina, **58**.

Perhaps a work by Guillermus Parisiensis. (Je. 89.)

Roche, St.

'1032 1 sermones quintini ligati in corio
1033 1 the lyf of sant rocke } 11[d].

As we find four copies of the "Ser-

mones Quintini ligati in corio" (164, 217, 424, 1613) priced 10^d, and one in parchment at the same price (41), as against 632 charged 8^d and 198 sold for 11^d, it is fair to suppose that the Lyf of sant Rocke was a penny book, one of the "Penny Godlinesses" of which Samuel Pepys made such a collection. The cultus of St Rock was so widely spread at this time, all the recent breviaries and missals having special offices and votive masses connected with him, that the only wonder is that some fragment of an English Life of the saint has not yet been publicly noticed. Here again contemporary bindings are sure to yield the necessary evidence, when the time comes.' (Bradsh. 41.)

Rocherio, Guido de Monte, see *Guido* de Monte Rocherio.

Rodericus Zamorensis Episcopus, see *Speculum*.

Rodolphus, Caspar.

In *former index*, p. 171, under this heading, for *agre* read *arge*.

Rudolphus Agricola wrote *De inventione dialectica*. (Je. 89.)

Romanus, Aegidius, see *Aegidius* de Colonna, Romanus.

Rubianus, Crotus, see *Epistolae*.

Rykel, Dionysius de Leeuwis, alias, see *Speculum*.

Sabunde, Raimundus de, see *Theologia*.

Sacerdotes. De vita et moribus sacerdotum.

This is by Jodocus Clichtoveus. (Je. 89.)

Sacramenta, see *Guilielmus* Parisiensis.

De sacramento, see *Missa*.

Tractatus sacerdotalis de sacramentis, see *Miscellaneous titles*, at end of this index.

Salernum.

Regimen sanitatis (Brunswick, Joh. Dorne, **1509**), see p. 455 of this volume.

Regimen sanitatis [Salernitanum] turgin, **1992**.

Turgin is a very doubtful reading.

Salisbury, see *Manuale*; *Missale*; *Processionale*.

Sallustius Crispus, Caius.

Salustius sine commento, **2045**.

Salustius cum commento, **2046**.

Sancti. Chatologus [catalogus] Sanctorum [*quaere*], **2099**.

Sancto Caro, Hugo de. see *Speculum*.

Sancto Laurentio, Johannes de, see *Laurentius*, S.

Saraceni. Lex Saracenorum [*quaere*], **2053**.

Sarum, see *Salisbury*.

Saxonia, Albertus de, see *Albertus* de Saxonia.

Scotus, see *Duns Scotus*, Johannes.

Secreta mulierum, see *Albertus* Magnus.

Seneca, Lucius Annaeus.

Tragigia Seneca, **2077**.

Seneca de quatuor virtutibus, **2059**.

Sententiae, see *Lombardus*, Petrus.

Serapion. Practica [medicinae] Serapionis, **2097**.

Sermones, see *Holcot*, Robert.

Sermones tredecim.

'179 1 sermones xiii ligati in corio. 8^d. [&c.]

These seem to be the *Sermones tredecim universales* of Michael de Hungaria, which were very popular at one time; so much so that seven editions are mentioned printed by John de Westfalia alone at Louvain (CA. 1244-45-47-48-49-50-51). The one in Hunt's list (1886), being double the price of Dorne's, may point to the fact of its being an old book which brought a higher price when in fuller run of popularity.' (Bradsh. 42.)

Silius Italicus. Sillius Italicus, **2101**.

Sir Isenbras. There is an undated edition printed in London by W. Copland. (Duff, 89.)

Sonsonius. Regule Sonsonii [*quaere*], **2057**.

Speculum.

'1899 Quinque specula a quilibet $3^s\,4^d$.

Two editions of the five Specula printed at Louvain by Joh. de Westfalia are described by Campbell (CA. 391 and 392), but unfortunately, from want of proper discrimination, both are described as printed about 1483; whereas one of them (392) cannot be later than 1483, and the other, placed first (391), cannot possibly be earlier than 1483. CA. 392 then is almost certainly the book referred to in Hunt's list of 1483. The book consists of five separable parts, though the signatures run through the whole. The five parts are as follows:

(1) *Speculum de confessione*, with printer's name (sig. a–d).

(2) *Speculum aureum animae peccatricis*, with printer's name (sig. e–f).

(3) *Tractatus artis bene moriendi* and *Speculum ecclesie* (sig. g and h). The *Speculum sacerdotum* is merely a few paragraphs at the end of the *Speculum ecclesie* in most of the editions; whence the *Speculum*

ecclesie itself sometimes gets erroneously the name of *Speculum sacerdotum*, as for instance in CA. 1007.

(4) *Speculum humane vite*, with printer's name (sig. i-u).

(5) *Speculum conversionis peccatorum*, with printer's name (sig. x-y).

You have one of the editions in your Auctarium, marked 1 Q. 4. 12, but I took no note at the time when I saw it, which of the two editions it was. The earlier one has no hyphens dividing the words at the end of a line, the other has.' (Bradsh. 43.)

Sphaera.

'1626 1 Spera parua non recepi a mocke
1627 1 Spera heginy [?] [these 4 words erased]. 1°.

The second book can scarcely fail to be a copy of the *Poeticon Astronomicon* of Hyginus (see Hain 9061-9067). Of these editions n° 9063 (Venice, E. Ratdolt, Jan. 22, 1485, 56 leaves, 4°) contains the title "Scemmus sphærsecina secundum Hyginii descriptionem"; and n° 9065 (Venice, Th. de Blavis de Alexandria, June 7, 1488, 56 leaves, 4°) has the title "Scemma sphericum secundum Hyginij descriptionem."' (Bradsh. 44.)

Squire of Low Degree, see *Undo your door.*

Stanbridge, John. (See *former index.*)

Accidens parva, **1995.**
Accidens Stan brigii), **1961.**
Accidens Stanbrigii, **1976.**
Grammatica Stanbrigii, **1980.**
Parvula parva, **1994.**
Parvulia [*quaere*], **1962.**
Sum es fui Stan brigii), **1998.**

Stans puer ad mensam. The *English* edition only is by John Lydgate. See also *Carmen juvenile.*

Strabo. Strabo de situ orbis, **2098.**

Suetonius. Suetonius cum 3, **2067.**

Sulpitius, Johannes, Verulanus.

Grammatica Sulpicii parvus, **2038.**
Grammatica Sulpitii, **2035.**

Summa angelica.

Summa angelica Rowan, **2000.**

'778 1 Suma angelica rowan ligata. 1° 8d. [&c.]

This is the great *Summa de casibus conscientiae*, known as the Summa Angelica long before the death of the author (in 1495), Angelus à Clavasio, a well-known Franciscan. Hain mentions 21 editions of the book, though some of them are apparently doubtful. The one printed at Alost by Thierry Martens (CA. 448) consists of 334 leaves of close print in double columns. That its popularity extended well into the sixteenth century, so that editions may well have appeared at Lyons and Rouen as above, may be inferred from the fact that Wadding mentions an Italian version of the work published in 1593 (Scriptores Ord. Min. p. 22).' (Bradsh. 45.)

Summa praedicantium, see *Gemma praedicantium.*

Tartaretus, Petrus.

(Oper)a Tartareti parva, **2012.**
Questiones Tartareti super Ethicam [Aristotelis], **2040.**

Terentius Afer, Publius, see *Antonius* Andreae.

Textus Terentii parvus, **2052.**

Theologi, see *Resolutio Theologorum.*

Theologia.

Theologia naturalis, **2023.**

'729 1 textus sententiarum li' in 2bus li' in asse[*ribus*]
730 1 theologia naturalis li' in ass[*eribus*?]. 3°.

Theologia naturalis is the entire title as printed on the last page of the *Theologia naturalis* of Raimundus de Sabunde printed at Deventer by Ric. Paffroed about 1480, F°. 256 leaves. Hain gives two other editions, and from the price I should infer that there may have been others more compressed. You have two copies of the Deventer edition, one among Mr. Douce's xvth century books (n° 158), and one in the Auctarium, marked 1 Q. 3. 15.' (Bradsh. 46.)

Theorica.

'1729 1 theorica planetarum. 1° 6d.

Hain gives a *Theorica Planetarum* under Gerardus Cremonensis (5824-25) and a *Theoricae Planetarum* under Georgius Purbachius (13595-97). The latter were published with the *Sphaericum Opusculum* of Joannes de Sacro Busto by Joannes Regiomontanus or de Monte Regio as antidotes to the "deliramenta" of Gerardus Cremonensis. There was an ever increasing vitality in this class of literature for a long time, and it ought not to be difficult, with a little research, to go far towards identifying the book which appears in Dorne's list.' (Bradsh. 47.)

Thomas, S., Aquinas.

Poletia Sancti Thome [Thomas in octo libros Politicorum Aristotelis], [*quaere*] **2113.**

Thomas de Anima [Aristotelis], **2112.**
Thomas de celo et mundo [Interpretamenta Thomae Aquinatis in libros de Coelo et Mundo Aristotelis], **2093.**

Thomas Wallensis.
'1893 Walensis super Psalterium. 1. 5^{s} 4^{d}.
There can be little doubt that this is the book which was printed in London by John Lettou in 1481, F°. You have a copy in your Auctarium, marked 1 Q. 4. 12, to which Herbert refers under its old mark before the creation of the Auctarium. It is printed from an incomplete copy, and from the words of the imprint "Reuerendissimi domini Valēcii," the final *s* having been misread as an *i*, the work has been confounded with the commentary of Jacobus Perez de Valencia (in Spain), which was printed at that place in 1484 and 1493 (12597–98) according to Hain, who also includes Thomas Wallensis by mistake under the same heading (12956). The V for W and the absence of the Christian name would also serve to create the confusion or at any rate to perpetuate it.' (Bradsh 48.)

Thorn, Johan, see *Dorne*, John.
Tractatus artis bene moriendi, see *Ars bene moriendi.*
Tractatus sacerdotalis, see *Miscellaneous titles* at end of this Index.
Trano, Godfredus de, see *Godfredus* de Trano.
Trelute (Glossary, p. 77 of Collectanea, vol. i), see *Johannes*, S., Evangelista.
Trombeta, Antonius, see *Duns Scotus*, Johannes.
Methaphysica Trombeti, **1958.**
Trombetus, see *Trombeta*, Antonius.
Tulilius, *Tullius*, see *Cicero*, Marcus Tullius.
Tungris, Arnoldus de. Tungris super Posteriora [Aristotelis], [Colon. 1496, 4°], **2094.**
Turgin. Very doubtful in **1992.**
Turrecremata, Johannes de, see *Johannes* de Turrecremata.

Undo your door. This is the same as the *Squire of low degree*, which begins 'Here begynneth *Undo your door*,' in W. de Worde's edition. (Ha. 87.)

Valentia, Jacobus de, see *Peres*, Jacobus, de Valencia.
Valerius Maximus, see *Maximus*, Valerius.
Valla, Georgius. Cumt . . . entum Georgi Valle [*quaere*], **2079.**
Valla, Laurentius.
Elegantie Valensis cum commento, **2083.**
Facetiae morales: see *Aesopus.*
Vassolis, Johannes de, see *Johannes* de Vassolis.
Veritas. Aureum opus de veritate.
This is *Aureum opus de veritate contritionis* by Jo. Lud. Vivaldus. (Duff, 88.)
Versus. Ars versificandi, see *Gaguinus*, Robertus.
Virgilius Maro, Publius.
Textus Virgilii, **2060, 2062.**
'1078 1 vergilius in englis van 4 quaterni. 2^{d}.
You will readily withdraw your identification of this with Caxton's edition of the Eneydos, which consists of 11 (not 4) quires, and could not well have been sold for 2^{d}. The actual book is no doubt the "Virgilius" printed at Antwerp by John Doesborcke in 4°, which does in fact consist of 30 leaves, and therefore (I presume) of 4 quires (van 4 quaterni). You have a copy in the Douce collection; which is placed by mistake among his xv^{th} century books (n° 40), so that you can see and judge for yourself. We have a fragment of it, which I rescued from the binding of an old medical book. The date generally assigned to it is about 1520. The price is quite suitable when compared with Dorne's prices generally. Hazlitt, who refers to the Douce copy, gives the title thus: "This boke treateth of the lyfe of Virgilius and of his deth, and many maruayles that he dyd in hys lyfe tyme by whychrafte and nygramancye thorough the helpe of the deuyls of Hell." (Bradsh. 49.)
Vivaldus, Johannes Ludovicus, see *Veritas.*
Vocabularius. Vocabularius juris [utriusque], **2001, 2030.**
Vorilongus, Gulielmus. (V)orlongi super Sententias, **2020.**
Vosgraf, see *Moscrof*, Thomas.

Wollick, Nicolaüs, see *Musica.*
World and Child, see *Mundus.*
Wounds, see *Jesus Christ.*
Wytthonum. Opusculum Wytthonum [*quaere*], **2026.**

Miscellaneous titles:—

a°. Doubtful in **1988.**

-ndius, see *-udius.*

-tius. Unidentified in **2018.**

'Tractatus sacer de[is].

817 1 parochiale cura[*torum*] } . 1s 2d.
818 1 tractatus sacer de[is]. }

This latter entry (818) looks as if it ought to be read *Tractatus sacerdotalis;* and, though I cannot advance the matter very far, it is as well to refer to CA. 1679, where a "Tractatus sacerdotalis de sacramentis deque divinis officiis" is cited from the Lammens Catalogue, Vol. 1, n° 39 (2), as bound up with a copy of Boethius printed at Louvain by Joh. de Westfalia (1486?).' (Bradsh. 50.)

The *tractatus sacerdotalis de sacramentis* suggested above may be Hain 3250, a work by Nic. de Blony. (Je. 89.)

-udius (-ndius?). -udius in Metaphysicos [Aristotelis?] sine commento [*quaere*], **2021.**

INDEX II.

PLACES AND PRINTERS.

(The references are to Index I in this volume).

Alostum (Alost, Aalst, Aelst), see *Alst* in Index I.

— Martens, Thierry, see *Primarium* (Breviary, 1488); *Summa angelica.*

Antwerp; *Doesborcke*, John: see *Virgilius*, Publius, Maro (1520).

— *Goes*, Math.: see *Gerson*, Johannes, (c. 1487).

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Brunswick: *Dorne*, John, see *Remigius* (1507), *Regimen* (1509).

Brussels, see *Laurentius*, S. (Postille, 1480); *Petrus*, Blesensis (1480–81).

Canterbury, see *Augustinus*, S., de Cantuaria.

— *Mychell*, John, see *Margaret*, St.

Cologne, see *Pamphilus*; *Papa* (1480); *Tungris*, Arnoldus de (1496).

Deventer, see *Carmen Juvenile* (1490–1500).

— *Breda*, Jacobus de, see *Maneken*, Carolus (1496).

— *Paffroed*, Ric., see *Theologia* (c. 1480).

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Gouda: *Leeu*, Gerard, see *Johannes*, S., Evangelista.

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— *Caxton*, William; see *Carmen* (Lydgate, 1477–8); *Cerasinus*, S.; *Jesus Christ*; *Virgilius*, Publius, Maro.

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— *Letton*, John; see *Thomas* Wallensis (1481).

— *Machlinia*, W. de; see *Jesus Christ.*

— *Notary*, Julian; see *Cerasinus*, S. (1520); *Medulla grammaticae* (1514).

— *Pepwell*, Henry; see *Exornatorium curatorum.*

— *Pynson*, Richard; see *French*; *Jesus Christ* (c. 1493); *Margaret*, St.; *Maria*, S., virgo Deipara (Rosarium, 1514); *Medulla* (1499); *Prognostica.*

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— *Westphalia*, John de; see *Gerson*, Johannes (c. 1484); *Johannes*, S., Evangelista; *Speculum* (1483).

Lyons (Lugdunum Gallorum); see *Decretum*.

Oxford; see *Dedicus*, Johannes (1518); *Laet*, Jasper (1518); *Mircus*, Johannes (Festival, 1486); *Moscrof*, Thomas (Bene fundatum).

Paris; see *Jesus Christ*; *Lyndewode*, Gulielmus (1505); *Papa* (1506); *Parsing*; *Portiforium* (1500); *Processionale* (1519).
— *Kerver*, Thielmann, see *Portiforium*.
— *Pratis*, Nic. de, see *Johannes* de Vassolis (1517).

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Rouen; see *Decretales*; *Diurnale*; *Horae*; *Johannes* Januensis; *Summa angelica*.

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Utrecht; *Leempt*, Ger., see *Pamphilus* (c. 1476).

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Vienna, see *Faber*, Jacobus (1513).

COLLECTANEA, PART IV.

THE Editor of Part IV of 'Collectanea' (lately published for the Oxford Historical Society) wishes to submit to members of the Society the following correction of an error to which his attention has been called by Mr. B. W. Greenfield, F.S.A. of Southampton. The correction is almost wholly Mr. Greenfield's work, and for this kind and timely criticism the Editor begs to tender his most sincere thanks.

On p. 183 of Collectanea appears the statement 'Lady Jane Spencer was of the Northamptonshire family of Spencers of Althorp, and her first husband was Sir Richard Knightly of Fawsley. He died in 1537, but at what date she married Sir Robert I have been unable to discover.' This is further elucidated, and the references given, in Appendix III to Part IV on p. 238.

It now appears that while Sir Robert Stafford's career has been rightly described there, the Editor's error lay in assuming that his wife Jane must be the person who had a controversy with All Souls College. It appears however that he had two wives, each called Jane.

His first wife *was* the Jane Spencer referred to in Baker's History of Northants[1], and her first husband was Sir Richard Knightly of Fawsley. He died in 1537, as already stated. The date of her marriage with Sir Robert Stafford still remains undiscovered; also the date of her death. But it can be proved that in some time in 1561 Sir Robert married his second wife, and that Edward Stafford baptized at St. James, Clerkenwell 1562 (see p. 240) was the son of this second wife.

Mr. Greenfield has collected a quantity of indisputable evidence, which must here be given very briefly, to show that she [2] was the daughter of Sir Edward Gorges of Wraxall, co. Somerset, [3] and widow of John Ayshe of Tykenham in the same county, [5] who died in 1561; that Sir Robert Stafford was [6] possessed of Upton, co. Northants, in

[1] Confirmed by Harl. MSS. 1171, fol. 33; visitation of co. Northants by Harvey in 1566.

[2] Harl. MSS. 2096, fol. 150; Randle Holmes' Collections; and Harl. MSS. 6128, fol. 89-91; Glover's visitation of co. Stafford, 1583; Black Bk. in Heralds College, fol. 707; Harl. MSS. 381, fol. 149 and 1412, fol. 32; Lansdowne MSS. 870, fol. 47; Stafford MSS. in possession of Lord Bagot at Blithfield.

[3] Decree in Chancery, 9 Eliz. pt. 1. No. 9; Inq. p. m. 2 Eliz. pt. 2. No. 7, Hereford; and 3 Eliz. pt. 1. No. 175, Somerset. Also Escheators' Inquisition in Exchq. 2 Eliz. No. 2, Hereford; and 3 & 4 Eliz. No. 8, Somerset.

[6] Close Roll, 1 Eliz. pt. 10.

1559 (doubtless in right of his first wife), of Hanslope in Bucks on the borders of Northants in 1560; [1] that he and his second wife Jane had a partially successful lawsuit to obtain possession of the manors of Chelvey and Migill, co. Somerset (1566–8), which she maintained had been settled upon her as a jointure [2] by her father Sir Edward Gorges and her father-in-law John Ayshe, senior, but [3] subsequently conveyed away by John Ayshe, junior, to certain third parties in trust for his mistress and bastard son; that Sir Robert also was [4] possessed of a rentcharge for life of 10*l.* in Napton super Montem, co. Warwick; that as Sergeant Porter he obtained from the Queen in 1572 in recognition of his valuable services the [4] reversion of the lease of certain lands, to wit at Houghton le Conquest, Beds; Little Barrington, Gloucester; Budworth, Chester; and Esingwold, York; tithes in several places, and the site and capital messuage of the manor of Alderton, co. Northants; [5] that he died in 1574 and was buried at Hanslope; that letters of administration of his estate were granted to Jane, his relict, in the Prerog. Court of Canterbury (April 27th, 1575), and [6] that Lady Jane herself died in 1591, was buried at Hanslope, and that her will was proved in the Prerog. Court of Canterbury on Feb. 23, 1591–2 [7]. The register at Hanslope is an interesting one, but the early part is almost certainly a transcript on parchment of the original paper register which began at least as early as 1566, from which Browne Willis the Antiquary made transcripts in 1730 but which has since perished. The present register begins at 1570, the first page being wholly illegible through fading of the ink. It contains an obvious error when it gives the date of Lady Jane Stafford's burial as 13 Nov. 1590, for her will is dated 2 Nov. 1591 and was proved in the following February. There is a tradition at Hanslope that she was the foundress of a charity which still exists in the hands of local trustees, although the documents appertaining to the trust (since 1862 in the hands of the Charity Commissioners) throw no light on her connection with it.

[C. R. L. FLETCHER, 1886.]

[1] See note 3 last page.

[2] Inq. p. m. 32 Hen. VIII. No. 26, Somerset; and Exchq. Escheators' Inq. 32 & 33 Hen. VIII. No. 15, Somerset.

[3] Close Roll, 8 Eliz. pt. 26.

[4] Patent Roll, 14 Eliz. pt. 1. m. 10.

[5] Parish Register of Hanslope.

[6] Ibid. as extracted by Browne Willis in 1730 and copied by Rev. W. Cole, vol. 38, p. 183 in his collections Add. MSS. British Museum, 5839.

[7] Register HARRINGTON 10, at Somerset House.

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